

## STATE OF MINNESOTA

## EIGHTY-THIRD SESSION — 2003

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 FIFTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 15, 2003

The House of Representatives convened at 1:30 p.m. and was called to order by Ron Abrams, Speaker pro tempore.

The colors were presented by the Minnesota Law Enforcement Memorial Association Honor Guard.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The Law Enforcement Memorial Prayer was offered by Chaplain Mark Bellows from the Lakeville Police Department.

The roll was called and the following members were present:

Abeler	Demmer	Hilstrom	Larson	Osterman	Solberg
Abrams	Dempsey	Hilty	Latz	Otto	Stang
Adolphson	Dill	Holberg	Lenczewski	Ozment	Strachan
Anderson, B.	Dorman	Hoppe	Lesch	Paymar	Sykora
Anderson, I.	Dorn	Hornstein	Lieder	Pelowski	Thao
Anderson, J.	Eastlund	Howes	Lindgren	Penas	Thissen
Atkins	Eken	Huntley	Lindner	Peterson	Tingelstad
Beard	Ellison	Jacobson	Lipman	Powell	Urdahl
Bernardy	Entenza	Jaros	Magnus	Pugh	Vandev eer
Biernat	Erhardt	Johnson, J.	Mahoney	Rhodes	Wagenius
Borrell	Erickson	Johnson, S.	Marquart	Rukavina	Walker
Boudreau	Finstad	Juhnke	McNamara	Ruth	Walz
Bradley	Fuller	Kahn	Meslow	Samuelson	Wardlow
Brod	Gerlach	Kelliher	Mullery	Seagren	Wasiluk
Buesgens	Goodwin	Kielkucki	Murphy	Seifert	Westerberg
Carlson	Greiling	Klinzing	Nelson, C.	Sertich	Westrom
Clark	Gunther	Knoblach	Nelson, M.	Severson	Wilkin
Cornish	Haas	Koenen	Nelson, P.	Sieben	Zellers
Cox	Hackbarth	Kohls	Nornes	Simpson	
Davids	Harder	Krinkie	Olsen, S.	Slawik	
Davnie	Hausman	Kuisle	Olson, M.	Smith	
DeLaForest	Heidgerken	Lanning	Opatz	Soderstrom	

A quorum was present.

Otremba was excused.

Blaine, Mariani, Paulsen and Swenson were excused until 2:00 p.m. Sviggum was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Harder moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

S. F. No. 794 and H. F. No. 775, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Westrom moved that the rules be so far suspended that S. F. No. 794 be substituted for H. F. No. 775 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 230, A bill for an act relating to professions; establishing the board of licensed professional counseling; requiring professional counselors to be licensed; requiring rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 116J.70, subdivision 2a; 148A.01, subdivision 5; 148B.60, subdivision 3; 214.01, subdivision 2; 214.04, subdivision 3; 214.10, subdivision 9; 609.341, subdivision 17; proposing coding for new law in Minnesota Statutes, chapter 148B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. [LICENSE; EXCEPTIONS.] "Business license" or "license" does not include the following:

(1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;

(3) any license required to practice the following occupation regulated by the following sections:

(i) abstracters regulated pursuant to chapter 386;

(ii) accountants regulated pursuant to chapter 326A;

(iii) adjusters regulated pursuant to chapter 72B;

(iv) architects regulated pursuant to chapter 326;

(v) assessors regulated pursuant to chapter 270;

- (vi) athletic trainers regulated pursuant to chapter 148;
- (vii) attorneys regulated pursuant to chapter 481;
- (viii) auctioneers regulated pursuant to chapter 330;
- (ix) barbers regulated pursuant to chapter 154;
- (x) beauticians regulated pursuant to chapter 155A;
- (xi) boiler operators regulated pursuant to chapter 183;
- (xii) chiropractors regulated pursuant to chapter 148;
- (xiii) collection agencies regulated pursuant to chapter 332;
- (xiv) cosmetologists regulated pursuant to chapter 155A;
- (xv) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (xvi) detectives regulated pursuant to chapter 326;
- (xvii) electricians regulated pursuant to chapter 326;
- (xviii) mortuary science practitioners regulated pursuant to chapter 149A;
- (xix) engineers regulated pursuant to chapter 326;
- (xx) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (xxi) certified interior designers regulated pursuant to chapter 326;
- (xxii) midwives regulated pursuant to chapter 147D;
- (xxiii) nursing home administrators regulated pursuant to chapter 144A;
- (xxiv) optometrists regulated pursuant to chapter 148;
- (xxv) osteopathic physicians regulated pursuant to chapter 147;
- (xxvi) pharmacists regulated pursuant to chapter 151;
- (xxvii) physical therapists regulated pursuant to chapter 148;
- (xxviii) physician assistants regulated pursuant to chapter 147A;
- (xxix) physicians and surgeons regulated pursuant to chapter 147;
- (xxx) plumbers regulated pursuant to chapter 326;
- (xxxi) podiatrists regulated pursuant to chapter 153;

- (xxxii) practical nurses regulated pursuant to chapter 148;
- (xxxiii) professional fund raisers regulated pursuant to chapter 309;
- (xxxiv) psychologists regulated pursuant to chapter 148;
- (xxxv) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- (xxxvi) registered nurses regulated pursuant to chapter 148;
- (xxxvii) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- (xxxviii) steamfitters regulated pursuant to chapter 326;
- (xxxix) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (xl) veterinarians regulated pursuant to chapter 156;
- (xli) water conditioning contractors and installers regulated pursuant to chapter 326;
- (xlii) water well contractors regulated pursuant to chapter 103I;
- (xlili) water and waste treatment operators regulated pursuant to chapter 115;
- (xliv) motor carriers regulated pursuant to chapter 221;
- (xlv) professional firms regulated under chapter 319B;
- (xlvi) real estate appraisers regulated pursuant to chapter 82B;
- (xlvii) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326;
- (xlviii) licensed professional counselors regulated pursuant to chapter 148B;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;
- (7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and
- (8) any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 2. Minnesota Statutes 2002, section 148A.01, subdivision 5, is amended to read:

Subd. 5. [PSYCHOTHERAPIST.] "Psychotherapist" means a physician, psychologist, nurse, chemical dependency counselor, social worker, member of the clergy, marriage and family therapist, mental health service provider, licensed professional counselor, or other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

#### BOARD OF LICENSED PROFESSIONAL COUNSELING

Sec. 3. [148B.50] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of sections 148B.50 to 148B.593, the following terms have the meanings given.

Subd. 2. [APPROVED SUPERVISOR.] "Approved supervisor" means a licensed professional counselor, licensed psychologist, or other qualified supervisor as determined by the board, who has four years of professional counseling experience and documents to the board the completion of a training in counseling supervision that included content and experiences relevant to the supervision of professional counselors.

Subd. 3. [BOARD.] "Board" means the board of licensed professional counseling established by section 148B.51.

Subd. 4. [LICENSED PROFESSIONAL COUNSELING.] "Licensed professional counseling" means the application of counseling, human development, and mental health research, principles, and procedures to maintain and enhance the mental health, development, personal and interpersonal effectiveness, and adjustment to work and life of individuals and families.

Subd. 5. [SCOPE OF PRACTICE.] (a) The scope of practice of a licensed professional counselor includes, but is not limited to:

(1) the implementation of professional counseling treatment interventions including evaluation, treatment planning, assessment, and referral;

(2) direct counseling services to individuals, groups, and families;

(3) counseling strategies that effectively respond to multicultural populations;

(4) knowledge of relevant laws and ethics impacting practice;

(5) crisis intervention;

(6) consultation;

(7) career education and development; and

(8) program evaluation and applied research.

(b) For the purposes of paragraph (a), clause (1), "professional counseling treatment interventions" means the application of cognitive, affective, behavioral, systemic, and community counseling strategies which include principles of human development, wellness, and pathology. Counselors provide mental health services for clients whose symptoms significantly interfere with daily functioning and would most likely not improve in a reasonable time period without intervention.

(c) Licensed professional counseling does not include activities or services undertaken by persons listed in section 148B.592, or the performance of any act that licensed professional counselors are not educated and trained to perform.

(d) In order to evaluate and treat mental illness, a licensed professional counselor must have a specialty as described in section 148B.57 and complete the postgraduate training specified in section 245.462, subdivision 18, clause (6), or 245.4871, subdivision 27, clause (6).

Sec. 4. [148B.51] [BOARD OF LICENSED PROFESSIONAL COUNSELING.]

The board of licensed professional counseling consists of 13 members appointed by the governor, including eight professional counselors licensed or eligible for licensure under sections 148B.50 to 148B.593 where two have specialty designation or are eligible for specialty designation as alcohol and drug counselors, as well as five public members as defined in section 214.02. The board shall annually elect from its membership a chair and vice-chair. The board shall appoint and employ an executive director who is not a member of the board. Chapter 214 applies to the board of licensed professional counseling unless superseded by sections 148B.50 to 148B.593.

Sec. 5. [148B.52] [DUTIES OF THE BOARD.]

The board of licensed professional counseling shall:

(1) establish by rule appropriate techniques, including examinations and other methods, for determining whether applicants and licensees are qualified under sections 148B.50 to 148B.593;

(2) establish by rule standards for professional conduct, including adoption of a code of professional ethics and requirements for continuing education and supervision;

(3) issue licenses to individuals qualified under sections 148B.50 to 148B.593;

(4) establish by rule standards for initial education including coursework for licensure and content of professional education;

(5) establish by rule procedures, including a standard disciplinary process, to assess whether individuals licensed as licensed professional counselors comply with the board's rules;

(6) establish, maintain, and publish annually a register of current licensees and approved supervisors;

(7) establish initial and renewal application and examination fees sufficient to cover operating expenses of the board and its agents;

(8) educate the public about the existence and content of the laws and rules for licensed professional counselors to enable consumers to file complaints against licensees who may have violated the rules;

(9) establish rules and regulations pertaining to treatment for impaired practitioners;

(10) periodically evaluate its rules in order to refine the standards for licensing professional counselors and to improve the methods used to enforce the board's standards; and

(11) appoint a professional discipline committee for each specialty designation to the license of professional counselors and identify a board member as chair. The professional discipline committee shall consist of five members representative of the licensed professional counseling specialty and provide recommendations to the board with regard to rule techniques, standards, procedures, and related issues specific to the specialty designation.

Sec. 6. [148B.53] [REQUIREMENTS FOR LICENSURE.]

Subdivision 1. [GENERAL REQUIREMENTS.] (a) To be licensed as a licensed professional counselor (LPC), an applicant must provide evidence satisfactory to the board that the applicant:

(1) is of good moral character;

(2) has completed a master's degree program in counseling that includes a minimum of 48 semester hours and a supervised field experience of not fewer than 700 hours that is counseling in nature;

(3) has submitted to the board a plan for supervision during the first 2,000 hours of professional practice;

(4) has demonstrated competence in professional counseling by passing the National Counseling Exam (NCE) administered by the National Board for Certified Counselors, Inc. (NBCC) including obtaining a passing score on the examination accepted by the board based on the determinations made by the NBCC and oral and situational examinations if prescribed by the board;

(5) will conduct all professional activities as a licensed professional counselor in accordance with standards for professional conduct established by the rules of the board; and

(6) has declared to the board and agrees to continue to declare areas of professional competencies through a statement of professional disclosure, describing the intended use of the license and the population to be served.

(b) The degree described in paragraph (a), clause (3), must be from a counseling program recognized by the Council for Accreditation of Counseling and Related Education Programs (CACREP) or from an institution of higher education that is accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA). Specific academic course content and training must meet standards established by the CACREP, including course work in the following subject areas:

(1) the helping relationship, including counseling theory and practice;

(2) human growth and development;

(3) lifestyle and career development;

(4) group dynamics, processes, counseling, and consulting;

(5) assessment and appraisal;

(6) social and cultural foundations, including multicultural issues;

(7) principles of etiology, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;

(8) family counseling and therapy;

(9) research and evaluation; and

(10) professional counseling orientation and ethics.

(c) To be licensed as a professional counselor, a psychological practitioner licensed under section 148.908 need only show evidence of licensure under that section and is not required to comply with paragraph (a) or (b).

Subd. 2. [MINIMUM HOUR EFFECTIVE DATE.] The minimum semester hour requirement imposed by subdivision 1, paragraph (a), clause (3), is not effective until July 1, 2004. This subdivision expires July 1, 2004.

Subd. 3. [FEE.] Each applicant shall pay a nonrefundable fee set by the board.

Sec. 7. [148B.54] [LICENSE RENEWAL REQUIREMENTS.]

Subdivision 1. [RENEWAL.] Licensees shall renew licenses at the time and in the manner established by the rules of the board.

Subd. 2. [CONTINUING EDUCATION.] At the completion of the first two years of licensure, a licensee must provide evidence satisfactory to the board of completion of 12 additional postgraduate semester credit hours in counseling as determined by the board. Thereafter, at the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed during each two-year period at least the equivalent of 40 clock hours of professional postdegree continuing education in programs approved by the board and continues to be qualified to practice under sections 148B.50 to 148B.593.

Sec. 8. [148B.55] [LICENSES; TRANSITION PERIOD.]

For two years beginning July 1, 2003, the board shall issue a license without examination to an applicant if the board determines that the applicant satisfies the requirements in section 148B.53, subdivision 1, if the applicant is a licensed psychological practitioner, a licensed marriage and family therapist, or a licensed alcohol and drug counselor, or is in the process of being so licensed. An applicant licensed under this section must also agree to conduct all professional activities as a licensed professional counselor in accordance with standards for professional conduct established by the board by rule. This section expires July 1, 2005.

Sec. 9. [148B.56] [RECIPROCITY.]

The board may issue a license to an individual who holds a current license or other credential from another jurisdiction if the board finds that the requirements for that credential are substantially similar to the requirements in sections 148B.50 to 148B.593.

Sec. 10. [148B.57] [SPECIALTY DESIGNATIONS.]

(a) A specialty designation may be added to the license of a professional counselor if the applicant demonstrates to the board that the applicant has met the following standards:

(1) for the specialty designation of mental health counselor to be added to the license of a professional counselor, the applicant must complete the postgraduate training specified in section 245.462, subdivision 18, clause (6), or 245.4871, subdivision 27, clause (6); and

(2) for the specialty designation of alcohol and drug counselor to be added to the license of a professional counselor, the applicant must complete 12 additional semester graduate credits in alcohol and drug counselor education. These core requirements must include an introductory course as well as courses in psychopharmacology, counseling skills, alcohol and drug use assessment, group counseling, and case management. The applicant must have 2,000 postgraduate hours of supervised experience as an addictions counselor at no fewer than 20 hours per week. The applicant must pass a specialty examination established by the board.

(b) A licensed professional counselor may not claim, advertise, or practice a counseling specialty unless the specialty designation has been approved by the board.

Sec. 11. [148B.58] [NONTRANSFERABILITY OF LICENSES.]

A professional counseling license is not transferable.

Sec. 12. [148B.59] [GROUNDS FOR DISCIPLINARY ACTION; FORMS OF DISCIPLINARY ACTION; RESTORATION OF LICENSE.]

(a) The board may impose disciplinary action as described in paragraph (b) against an applicant or licensee whom the board, by a preponderance of the evidence, determines:

(1) has violated a statute, rule, or order that the board issued or is empowered to enforce;

(2) has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of licensed professional counseling, that adversely affects the person's ability or fitness to practice professional counseling;

(3) has engaged in unprofessional conduct or any other conduct which has the potential for causing harm to the public, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established;

(4) has been convicted of or has pled guilty or nolo contendere to a felony or other crime, an element of which is dishonesty or fraud, or has been shown to have engaged in acts or practices tending to show that the applicant or licensee is incompetent or has engaged in conduct reflecting adversely on the applicant's or licensee's ability or fitness to engage in the practice of professional counseling;

(5) has employed fraud or deception in obtaining or renewing a license, or in passing an examination;

(6) has had any counseling license, certificate, registration, privilege to take an examination, or other similar authority denied, revoked, suspended, canceled, limited, or not renewed for cause in any jurisdiction;

(7) has failed to meet any requirement for the issuance or renewal of the person's license. The burden of proof is on the applicant or licensee to demonstrate the qualifications or satisfy the requirements for a license under the licensed professional counseling act;

(8) has failed to cooperate with an investigation of the board;

(9) has demonstrated an inability to practice professional counseling with reasonable skill and safety to clients due to any mental or physical illness or condition; or

(10) has engaged in fee splitting. This clause does not apply to the distribution of revenues from a partnership, group practice, nonprofit corporation, or professional corporation to its partners, shareholders, members, or employees if the revenues consist only of fees for services performed by the licensee or under a licensee's administrative authority. Fee splitting includes, but is not limited to:

(i) dividing fees with another person or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional; and

(ii) referring a client to any health care provider as defined in section 144.335 in which the referring licensee has a significant financial interest, unless the licensee has disclosed in advance to the client the licensee's own financial interest.

(b) If grounds for disciplinary action exist under paragraph (a), the board may take one or more of the following actions:

(1) refuse to grant or renew a license;

(2) revoke a license;

(3) suspend a license;

(4) impose limitations or conditions on a licensee's practice of professional counseling, including, but not limited to, limiting the scope of practice to designated competencies, imposing retraining or rehabilitation requirements, requiring the licensee to practice under supervision, or conditioning continued practice on the demonstration of knowledge or skill by appropriate examination or other review of skill and competence;

(5) censure or reprimand the licensee;

(6) refuse to permit an applicant to take the licensure examination or refuse to release an applicant's examination grade if the board finds that it is in the public interest; or

(7) impose disciplinary fees of up to \$5,000 for each separate violation. The amount of the disciplinary fee shall be fixed so as (i) to deprive the applicant or licensee of any economic advantage gained by reason of the violation charged, and (ii) to reimburse the board for the cost of the investigation and proceeding, including, but not limited to, the costs of legal and investigative services provided by the office of the attorney general and the costs of legal services provided by the office of administrative hearings.

(c) In lieu of or in addition to paragraph (b), the board may require, as a condition of continued licensure, termination of suspension, reinstatement of license, examination, or release of examination grades, that the applicant or licensee:

(1) submit to a quality review, as specified by the board, of the applicant's or licensee's ability, skills, or quality of work; and

(2) complete to the satisfaction of the board educational courses specified by the board.

(d) Service of the order is effective if the order is served on the applicant, licensee, or counsel of record personally or by mail to the most recent address provided to the board for the licensee, applicant, or counsel of record. The order shall state the reasons for the entry of the order.

Sec. 13. [148B.591] [PROHIBITION AGAINST UNLICENSED PRACTICE OR USE OF TITLES.]

Subdivision 1. [PRACTICE.] After the effective date of rules adopted by the board, no individual may engage in the practice of licensed professional counseling unless that individual holds a valid license or is exempt from licensure under section 148B.592.

Subd. 2. [USE OF TITLES.] After the board adopts rules, no individual may be presented to the public by any title or practice incorporating the words "licensed professional counselor" or "LPC" unless that individual holds a valid license issued under sections 148B.50 to 148B.593.

Sec. 14. [148B.592] [EXCEPTIONS TO LICENSE REQUIREMENT.]

Subdivision 1. [OTHER PROFESSIONALS.] Nothing in sections 148B.50 to 148B.593 prevents members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes, but is not limited to, licensed physicians, registered nurses, licensed practical nurses, licensed psychologists, probation officers, attorneys, social workers, marriage and family therapists, qualified rehabilitation consultants, natural family planning practitioners certified by the American Academy of Natural Family Planning, and registered occupational therapists or certified occupational therapist assistants. These persons must not, however, use a title incorporating the words "licensed professional counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed to engage in the practice of professional counseling unless they are licensed under sections 148B.50 to 148B.593.

Subd. 2. [STUDENTS.] Nothing in sections 148B.50 to 148B.593 prevents a student, intern, or trainee enrolled in an accredited program of professional counseling from engaging in professional counseling as part of the supervised course of study if the person is identified as a "counselor intern."

Subd. 3. [GOVERNMENT AGENCIES; EDUCATIONAL INSTITUTIONS.] Nothing in sections 148B.50 to 148B.593 limits the activities and services of, or use of, an official title by a person employed as a counselor by a federal, state, county, or municipal agency, or public or private educational institution if the person is performing the activities within the scope of the person's employment.

Subd. 4. [UNLICENSED MENTAL HEALTH PRACTITIONERS.] Nothing in sections 148B.50 to 148B.593 prohibits the provision of mental health services by an unlicensed mental health practitioner as defined in section 148B.60, subdivision 3. Nothing in this section limits the authority of unlicensed complementary and alternative health care practitioners to perform services under chapter 146A.

Subd. 5. [NONRESIDENTS.] A nonresident may engage in the practice of professional counseling within the state without a license for up to 30 days during any calendar year if the nonresident is authorized to provide the services under the law of the state or country of residence and the nonresident has provided proof of credentials to the board, been found qualified to render services in the state, and been granted permission by the board to practice.

Subd. 6. [CLERGY.] Nothing in sections 148B.50 to 148B.593 limits the activities and services of a rabbi, priest, minister, or clergy person of any religious denomination or sect, provided such activities and services are within the scope of the performance of regular or specialized ministerial duties.

Subd. 7. [NONPROFIT ORGANIZATIONS AND CHARITIES.] Nothing in sections 148B.50 to 148B.593 limits the activities, services, and descriptions of persons offering volunteer or professional services for public or private nonprofit organizations or charities.

Sec. 15. [148B.593] [DISCLOSURE OF INFORMATION.]

(a) A person licensed under sections 148B.50 to 148B.593 may not disclose without written consent of the client any communication made by the client to the licensee in the course of the practice of professional counseling, nor may any employee of the licensee reveal the information without the consent of the employer or client except as provided under section 626.556 or 626.557.

(b) For purposes of sections 148B.50 to 148B.593, the confidential relations and communications between the licensee and a client are placed upon the same basis as those that exist between a licensed psychologist and client. Nothing in sections 148B.50 to 148B.593 may be construed to require any communications to be disclosed except by court order.

Sec. 16. Minnesota Statutes 2002, section 148B.60, subdivision 3, is amended to read:

Subd. 3. [UNLICENSED MENTAL HEALTH PRACTITIONER OR PRACTITIONER.] "Unlicensed mental health practitioner" or "practitioner" means a person who provides or purports to provide, for remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the board of medical practice under chapter 147 or registered by the board of medical practice under chapter 147A; the board of nursing under sections 148.171 to 148.285; the board of psychology under sections 148.88 to 148.98; the board of social work under sections 148B.18 to 148B.289; the board of marriage and family therapy under sections 148B.29 to 148B.39; the board of licensed professional counseling under sections 148B.50 to 148B.593; or another licensing board if the person is practicing within the scope of the license; members of the clergy who are providing pastoral services in the context of performing and fulfilling the salaried duties and obligations required of a member of the clergy by a religious congregation; American Indian medicine men and women; licensed attorneys; probation officers; school counselors employed by a school district while acting within the scope of employment as school counselors; registered occupational therapists; or occupational therapy assistants. For the purposes of complaint investigation or disciplinary action relating to an individual practitioner, the term includes:

(1) persons employed by a program licensed by the commissioner of human services who are acting as mental health practitioners within the scope of their employment;

(2) persons employed by a program licensed by the commissioner of human services who are providing chemical dependency counseling services; persons who are providing chemical dependency counseling services in private practice; and

(3) clergy who are providing mental health services that are equivalent to those defined in subdivision 4.

Sec. 17. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 1a. [ACCREDITING ASSOCIATION.] "Accrediting association" means an organization recognized by the commissioner that evaluates schools and education programs of alcohol and drug counseling or is listed in Nationally Recognized Accrediting Agencies and Associations, Criteria and Procedures for Listing by the U.S. Secretary of Education and Current List (1996), which is incorporated by reference.

Sec. 18. Minnesota Statutes 2002, section 148C.01, subdivision 2, is amended to read:

Subd. 2. [ALCOHOL AND DRUG COUNSELOR.] "Alcohol and drug counselor" or "counselor" means a person who:

(1) uses, as a representation to the public, any title, initials, or description of services incorporating the words "alcohol and drug counselor";

(2) offers to render professional alcohol and drug counseling services relative to the abuse of or the dependency on alcohol or other drugs to the general public or groups, organizations, corporations, institutions, or government agencies for compensation, implying that the person is licensed and trained, experienced or expert in alcohol and drug counseling;

(3) holds a valid license issued under ~~sections 148C.01 to 148C.11~~ this chapter to engage in the practice of alcohol and drug counseling; or

(4) is an applicant for an alcohol and drug counseling license.

Sec. 19. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2a. [ALCOHOL AND DRUG COUNSELOR ACADEMIC COURSE WORK.] "Alcohol and drug counselor academic course work" means classroom education, which is directly related to alcohol and drug counseling and meets the requirements of section 148C.04, subdivision 5a, and is taken through an accredited school or educational program.

Sec. 20. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2b. [ALCOHOL AND DRUG COUNSELOR CONTINUING EDUCATION ACTIVITY.] "Alcohol and drug counselor continuing education activity" means clock hours that meet the requirements of section 148C.075 and Minnesota Rules, part 4747.1100, and are obtained by a licensee at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home study courses. A home study course need not be provided by an accredited school or education program to meet continuing education requirements.

Sec. 21. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2c. [ALCOHOL AND DRUG COUNSELOR TECHNICIAN.] "Alcohol and drug counselor technician" means a person not licensed as an alcohol and drug counselor who is performing acts authorized under section 148C.045.

Sec. 22. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2d. [ALCOHOL AND DRUG COUNSELOR TRAINING.] "Alcohol and drug counselor training" means clock hours obtained by an applicant at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home study courses. Clock hours obtained from accredited schools or education programs must be measured under Minnesota Rules, part 4747.1100, subpart 5.

Sec. 23. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2e. [BOARD.] "Board" means the board of licensed professional counseling established by section 148B.51.

**[EFFECTIVE DATE.]** This section is effective July 1, 2005.

Sec. 24. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2f. [CLOCK HOUR.] "Clock hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Sec. 25. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2g. [CREDENTIAL.] "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of an occupation.

Sec. 26. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 4a. [LICENSEE.] "Licensee" means a person who holds a valid license under this chapter.

Sec. 27. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 11a. [STUDENT.] "Student" means a person enrolled in an alcohol and drug counselor education program at an accredited school or educational program and earning a minimum of nine semester credits per calendar year towards completion of an associate's, bachelor's, master's, or doctorate degree requirements that include an additional 18 semester credits or 270 clock hours of alcohol and drug counseling specific course work and 440 clock hours of practicum.

Sec. 28. Minnesota Statutes 2002, section 148C.01, subdivision 12, is amended to read:

Subd. 12. [SUPERVISED ALCOHOL AND DRUG COUNSELING EXPERIENCE COUNSELOR.] Except during the transition period, "Supervised alcohol and drug counseling experience counselor" means practical experience gained by a student, volunteer, or either before, during, or after the student completes a program from an accredited school or educational program of alcohol and drug counseling, an intern, and or a person issued a temporary permit under section 148C.04, subdivision 4, and who is supervised by a person either licensed under this chapter or exempt under its provisions; either before, during, or after the student completes a program from an accredited school or educational program of alcohol and drug counseling.

Sec. 29. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 12a. [SUPERVISOR.] "Supervisor" means a licensed alcohol and drug counselor licensed under this chapter or other licensed professional practicing alcohol and drug counseling under section 148C.11 who monitors activities of and accepts legal liability for the person practicing under supervision. A supervisor shall supervise no more than three trainees practicing under section 148C.04, subdivision 6.

Sec. 30. Minnesota Statutes 2002, section 148C.03, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The commissioner shall, after consultation with the advisory council or a committee established by rule:

(a) adopt and enforce rules for licensure of alcohol and drug counselors, including establishing standards and methods of determining whether applicants and licensees are qualified under section 148C.04. The rules must provide for examinations and establish standards for the regulation of professional conduct. The rules must be designed to protect the public;

(b) develop and, at least twice a year, administer an examination to assess applicants' knowledge and skills. The commissioner may contract for the administration of an examination with an entity designated by the commissioner. The examinations must be psychometrically valid and reliable; must be written and oral, with the oral examination based on a written case presentation; must minimize cultural bias; and must be balanced in various theories relative to the practice of alcohol and drug counseling;

(c) issue licenses to individuals qualified under sections 148C.01 to 148C.11;

(d) issue copies of the rules for licensure to all applicants;

(e) adopt rules to establish and implement procedures, including a standard disciplinary process and rules of professional conduct;

(f) carry out disciplinary actions against licensees;

(g) establish, with the advice and recommendations of the advisory council, written internal operating procedures for receiving and investigating complaints and for taking disciplinary actions as appropriate;

(h) educate the public about the existence and content of the rules for alcohol and drug counselor licensing to enable consumers to file complaints against licensees who may have violated the rules;

(i) evaluate the rules in order to refine and improve the methods used to enforce the commissioner's standards; and

~~(j) set, collect, and adjust license fees for alcohol and drug counselors so that the total fees collected will as closely as possible equal anticipated expenditures during the biennium, as provided in section 16A.1285; fees for initial and renewal application and examinations; late fees for counselors who submit license renewal applications after the renewal deadline; and a surcharge fee. The surcharge fee must include an amount necessary to recover, over a five year period, the commissioner's direct expenditures for the adoption of the rules providing for the licensure of alcohol and drug counselors. All fees received shall be deposited in the state treasury and credited to the special revenue fund.~~

Sec. 31. Minnesota Statutes 2002, section 148C.0351, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION FORMS.] Unless exempted under section 148C.11, a person who practices alcohol and drug counseling in Minnesota must:

(1) apply to the commissioner for a license to practice alcohol and drug counseling on forms provided by the commissioner;

(2) include with the application a statement that the statements in the application are true and correct to the best of the applicant's knowledge and belief;

(3) include with the application a nonrefundable application fee specified ~~by the commissioner in section 148C.12;~~

(4) include with the application information describing the applicant's experience, including the number of years and months the applicant has practiced alcohol and drug counseling as defined in section 148C.01;

(5) include with the application the applicant's business address and telephone number, or home address and telephone number if the applicant conducts business out of the home, and if applicable, the name of the applicant's supervisor, manager, and employer;

(6) include with the application a written and signed authorization for the commissioner to make inquiries to appropriate state regulatory agencies and private credentialing organizations in this or any other state where the applicant has practiced alcohol and drug counseling; and

(7) complete the application in sufficient detail for the commissioner to determine whether the applicant meets the requirements for filing. The commissioner may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

Sec. 32. Minnesota Statutes 2002, section 148C.0351, is amended by adding a subdivision to read:

Subd. 4. [INITIAL LICENSE; TERM.] (a) An initial license is effective on the date the commissioner indicates on the license certificate, with the license number, sent to the applicant upon approval of the application.

(b) An initial license is valid for a period beginning with the effective date in paragraph (a) and ending on the date specified by the commissioner on the license certificate placing the applicant in an existing two-year renewal cycle, as established under section 148C.05, subdivision 1.

Sec. 33. [148C.0355] [COMMISSIONER ACTION ON APPLICATIONS FOR LICENSURE.]

The commissioner shall act on each application for licensure within 90 days from the date the completed application and all required information is received by the commissioner. The commissioner shall determine if the applicant meets the requirements for licensure and whether there are grounds for denial of licensure under this chapter. If the commissioner denies an application on grounds other than the applicant's failure of an examination, the commissioner shall:

(1) notify the applicant, in writing, of the denial and the reason for the denial and provide the applicant 30 days from the date of the letter informing the applicant of the denial in which the applicant may provide additional information to address the reasons for the denial. If the applicant does not respond in writing to the commissioner within the 30-day period, the denial is final. If the commissioner receives additional information, the commissioner shall review it and make a final determination thereafter;

(2) notify the applicant that an application submitted following denial is a new application and must be accompanied by the appropriate fee as specified in section 148C.12; and

(3) notify the applicant of the right to request a hearing under chapter 14.

Sec. 34. Minnesota Statutes 2002, section 148C.04, is amended to read:

148C.04 [REQUIREMENTS FOR LICENSURE.]

Subdivision 1. [GENERAL REQUIREMENTS.] The commissioner shall issue licenses to the individuals qualified under ~~sections 148C.01 to 148C.11~~ this chapter to practice alcohol and drug counseling.

Subd. 2. [FEE.] Each applicant shall pay a nonrefundable fee ~~set by the commissioner pursuant to section 148C.03~~ as specified in section 148C.12. Fees paid to the commissioner shall be deposited in the special revenue fund.

Subd. 3. [~~LICENSING REQUIREMENTS FOR THE FIRST FIVE YEARS LICENSURE BEFORE JULY 1, 2008.~~] ~~For five years after the effective date of the rules authorized in section 148C.03, the An applicant, unless qualified under section 148C.06 during the 25 month period authorized therein, under section 148C.07, or under subdivision 4, for a license~~ must furnish evidence satisfactory to the commissioner that the applicant has met all the requirements in clauses (1) to (3). The applicant must have:

(1) received an associate degree, or an equivalent number of credit hours, and a certificate in alcohol and drug counseling, including 18 semester credits or 270 clock hours of alcohol and drug counseling classroom education academic course work in accordance with subdivision 5a, paragraph (a), from an accredited school or educational program and 880 clock hours of supervised alcohol and drug counseling practicum;

(2) completed a written case presentation and satisfactorily passed an oral examination established by the commissioner that demonstrates competence in the core functions; and

(3) satisfactorily passed a written examination as established by the commissioner.

Subd. 4. [~~LICENSING REQUIREMENTS AFTER FIVE YEARS FOR LICENSURE AFTER JULY 1, 2008.~~] ~~Beginning five years after the effective date of the rules authorized in section 148C.03, subdivision 1,~~ An applicant for licensure a license must submit evidence to the commissioner that the applicant has met one of the following requirements:

(1) the applicant must have:

(i) received a bachelor's degree from an accredited school or educational program, including ~~480~~ 18 semester credits or 270 clock hours of ~~alcohol and drug counseling education~~ academic course work in accordance with subdivision 5a, paragraph (a), from an accredited school or educational program and 880 clock hours of supervised alcohol and drug counseling practicum;

(ii) completed a written case presentation and satisfactorily passed an oral examination established by the commissioner that demonstrates competence in the core functions; and

(iii) satisfactorily passed a written examination as established by the commissioner; or

(2) the applicant must meet the requirements of section 148C.07.

Subd. 5a. [ACADEMIC COURSE WORK.] (a) Minimum academic course work requirements for licensure as referred to under subdivisions 3, clause (1), and 4, clause (1), item (i), must be in the following areas:

(1) overview of alcohol and drug counseling focusing on the transdisciplinary foundations of alcohol and drug counseling and providing an understanding of theories of chemical dependency, the continuum of care, and the process of change;

(2) pharmacology of substance abuse disorders and the dynamics of addiction;

(3) screening, intake, assessment, and treatment planning;

(4) counseling theory and practice, crisis intervention, orientation, and client education;

(5) case management, consultation, referral, treatment planning, reporting, record keeping, and professional and ethical responsibilities; and

(6) multicultural aspects of chemical dependency to include awareness of learning outcomes described in Minnesota Rules, part 4747.1100, subpart 2, and the ability to know when consultation is needed.

(b) Advanced academic course work includes, at a minimum, the course work required in paragraph (a) and additional course work in the following areas:

(1) advanced study in the areas listed in paragraph (a);

(2) chemical dependency and the family;

(3) treating substance abuse disorders in culturally diverse and identified populations;

(4) dual diagnoses/co-occurring disorders with substance abuse disorders; and

(5) ethics and chemical dependency.

Subd. 6. [TEMPORARY PRACTICE PERMIT REQUIREMENTS.] (a) ~~A person may temporarily~~ The commissioner shall issue a temporary permit to practice alcohol and drug counseling prior to being licensed under this chapter if the person:

(1) either:

(i) ~~meets the associate degree education and practicum requirements of subdivision 3, clause (1);~~

(ii) ~~meets the bachelor's degree education and practicum requirements of subdivision 4, clause (1), item (i); or~~

(iii) ~~submits verification of a current and unrestricted credential for the practice of alcohol and drug counseling from a national certification body or a certification or licensing body from another state, United States territory, or federally recognized tribal authority;~~

(ii) submits verification of the completion of at least 64 semester credits, including 270 clock hours or 18 semester credits of formal classroom education in alcohol and drug counseling and at least 440 clock hours of alcohol and drug counseling practicum from an accredited school or educational program; or

(iii) meets the requirements of section 148C.11, subdivision 6, clauses (1), (2), and (5);

(2) ~~requests applies, in writing, temporary practice status with the commissioner on an application form according to section 148C.0351 provided by the commissioner, which includes the nonrefundable license temporary permit fee as specified in section 148C.12 and an affirmation by the person's supervisor, as defined in paragraph (b) (c), clause (1), and which is signed and dated by the person and the person's supervisor; and~~

(3) ~~has not been disqualified to practice temporarily on the basis of a background investigation under section 148C.09, subdivision 1a; and,~~

~~(4) has been notified (b) The commissioner must notify the person in writing within 90 days from the date the completed application and all required information is received by the commissioner that whether the person is qualified to practice under this subdivision.~~

~~(b) (c) A person practicing under this subdivision:~~

(1) ~~may practice only in a program licensed by the department of human services and under tribal jurisdiction or under the direct, on-site supervision of a person who is licensed under this chapter and employed in that licensed program;~~

(2) ~~is subject to the rules of professional conduct set by rule; and~~

(3) ~~is not subject to the continuing education requirements of section 148C.05 148C.075.~~

(c) ~~A person practicing under this subdivision may not must use with the public any the title or description stating or implying that the person is licensed to engage a trainee engaged in the practice of alcohol and drug counseling.~~

(d) The temporary status of A person applying for temporary practice practicing under this subdivision expires on the date the commissioner grants or denies licensing must annually submit a renewal application on forms provided by the commissioner with the renewal fee required in section 148C.12, subdivision 3, and the commissioner may renew the temporary permit if the trainee meets the requirements of this subdivision. A trainee may renew a practice permit no more than five times.

(e) A temporary permit expires if not renewed, upon a change of employment of the trainee or upon a change in supervision, or upon the granting or denial by the commissioner of a license.

Subd. 7. [EFFECT AND SUSPENSION OF TEMPORARY PRACTICE.] Approval of a person's application for temporary practice creates no rights to or expectation of approval from the commissioner for licensure as an alcohol and drug counselor. The commissioner may suspend or restrict a person's temporary practice status according to section 148C.09.

[EFFECTIVE DATE.] Subdivisions 1, 2, 3, 4, and 5, are effective January 28, 2003. Subdivision 6 is effective July 1, 2003.

Sec. 35. [148C.045] [ALCOHOL AND DRUG COUNSELOR TECHNICIAN.]

An alcohol and drug counselor technician may perform the services described in section 148C.01, subdivision 9, paragraphs (1), (2), and (3), while under the direct supervision of a licensed alcohol and drug counselor.

Sec. 36. Minnesota Statutes 2002, section 148C.05, subdivision 1, is amended to read:

Subdivision 1. [BIENNIAL RENEWAL REQUIREMENTS.] To renew a license, an applicant must:

(1) complete a renewal application every two years on a form provided by the commissioner and submit the biennial renewal fee by the deadline; and

(2) submit additional information if requested by the commissioner to clarify information presented in the renewal application. This information must be submitted within 30 days of the commissioner's request. A license must be renewed every two years.

Sec. 37. Minnesota Statutes 2002, section 148C.05, is amended by adding a subdivision to read:

Subd. 1a. [RENEWAL REQUIREMENTS.] To renew a license, an applicant must submit to the commissioner:

(1) a completed and signed application for license renewal, including a signed consent authorizing the commissioner to obtain information about the applicant from third parties, including, but not limited to, employers, former employers, and law enforcement agencies;

(2) the renewal fee required under section 148C.12; and

(3) additional information as requested by the commissioner to clarify information presented in the renewal application. The licensee must submit information within 30 days of the date of the commissioner's request.

Sec. 38. Minnesota Statutes 2002, section 148C.05, is amended by adding a subdivision to read:

Subd. 5. [LICENSE RENEWAL NOTICE.] At least 60 calendar days before the renewal deadline date in subdivision 6, the commissioner shall mail a renewal notice to the licensee's last known address on file with the commissioner. The notice must include an application for license renewal, the renewal deadline, and notice of fees required for renewal. The licensee's failure to receive notice does not relieve the licensee of the obligation to meet the renewal deadline and other requirements for license renewal.

Sec. 39. Minnesota Statutes 2002, section 148C.05, is amended by adding a subdivision to read:

Subd. 6. [RENEWAL DEADLINE AND LAPSE OF LICENSURE.] (a) Licensees must comply with paragraphs (b) to (d).

(b) Each license certificate must state an expiration date. An application for license renewal must be received by the commissioner or postmarked at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date.

(c) An application for license renewal not received within the time required under paragraph (b) must be accompanied by a late fee in addition to the renewal fee required in section 148C.12.

(d) A licensee's license lapses if the licensee fails to submit to the commissioner a license renewal application by the licensure expiration date. A licensee shall not engage in the practice of alcohol and drug counseling while the license is lapsed. A licensee whose license has lapsed may renew the license by complying with section 148C.06.

Sec. 40. [148C.055] [INACTIVE OR LAPSED LICENSE.]

Subdivision 1. [INACTIVE LICENSE STATUS.] Unless a complaint is pending against the licensee, a licensee whose license is in good standing may request, in writing, that the license be placed on the inactive list. If a complaint is pending against a licensee, a license may not be placed on the inactive list until action relating to the complaint is concluded. The commissioner must receive the request for inactive status before expiration of the license. A request for inactive status received after the license expiration date must be denied. A licensee may renew a license that is inactive under this subdivision by meeting the renewal requirements of section 148C.06, subdivision 2, except that payment of a late renewal fee is not required. A licensee must not practice alcohol and drug counseling while the license is inactive.

Subd. 2. [RENEWAL OF INACTIVE LICENSE.] A licensee whose license is inactive shall renew the inactive status by the inactive status expiration date determined by the commissioner or the license will lapse. An application for renewal of inactive status must include evidence satisfactory to the commissioner that the licensee has completed 40 clock hours of continuing professional education required in section 148C.075 and be received by the commissioner at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date. Late renewal of inactive status must be accompanied by a late fee as required in section 148C.12.

Subd. 3. [RENEWAL OF LAPSED LICENSE.] An individual whose license has lapsed for less than two years may renew the license by submitting:

(1) a completed and signed license renewal application;

(2) the inactive license renewal fee or the renewal fee and the late fee as required under section 148C.12; and

(3) proof of having met the continuing education requirements in section 148C.075 since the individual's initial licensure or last license renewal. The license issued is then effective for the remainder of the next two-year license cycle.

Subd. 4. [LICENSE RENEWAL FOR TWO YEARS OR MORE AFTER LICENSE EXPIRATION DATE.] An individual who submitted a license renewal two years or more after the license expiration date must submit the following:

(1) a completed and signed application for licensure, as required by section 148C.0351;

(2) the initial license fee as required in section 148C.12; and

(3) verified documentation of having achieved a passing score within the past year on an examination required by the commissioner.

Sec. 41. Minnesota Statutes 2002, section 148C.07, is amended to read:

148C.07 [RECIPROCITY.]

~~The commissioner shall issue an appropriate license to~~ (a) An individual who holds a current license or other credential to engage in alcohol and drug counseling national certification as an alcohol and drug counselor from another jurisdiction if the commissioner finds that the requirements for that credential are substantially similar to the requirements in sections 148C.01 to 148C.11 must file with the commissioner a completed application for licensure by reciprocity containing the information required under this section.

(b) The applicant must request the credentialing authority of the jurisdiction in which the credential is held to send directly to the commissioner a statement that the credential is current and in good standing, the applicant's qualifications that entitled the applicant to the credential, and a copy of the jurisdiction's credentialing laws and rules that were in effect at the time the applicant obtained the credential.

(c) The commissioner shall issue a license if the commissioner finds that the requirements, which the applicant had to meet to obtain the credential from the other jurisdiction were substantially similar to the current requirements for licensure in this chapter, and the applicant is not otherwise disqualified under section 148C.09.

Sec. 42. [148C.075] [CONTINUING EDUCATION REQUIREMENTS.]

Subdivision 1. [GENERAL REQUIREMENTS.] The commissioner shall establish a two-year continuing education reporting schedule requiring licensees to report completion of the requirements of this section. Licensees must document completion of a minimum of 40 clock hours of continuing education activities each reporting period. A licensee may be given credit only for activities that directly relate to the practice of alcohol and drug counseling, the core functions, or the rules of professional conduct in Minnesota Rules, part 4747.1400. The continuing education reporting form must require reporting of the following information:

(1) the continuing education activity title;

(2) a brief description of the continuing education activity;

(3) the sponsor, presenter, or author;

(4) the location and attendance dates;

(5) the number of clock hours; and

(6) a statement that the information is true and correct to the best knowledge of the licensee.

Only continuing education obtained during the previous two-year reporting period may be considered at the time of reporting. Clock hours must be earned and reported in increments of one-half clock hours with a minimum of one clock hour for each continuing education activity.

Subd. 2. [CONTINUING EDUCATION REQUIREMENTS FOR LICENSEE'S FIRST FOUR YEARS.] A licensee must, as part of meeting the clock hour requirement of this section, obtain and document 18 hours of cultural diversity training within the first four years after the licensee's initial license effective date according to the commissioner's reporting schedule.

Subd. 3. [CONTINUING EDUCATION REQUIREMENTS AFTER LICENSEE'S INITIAL FOUR YEARS.] Beginning four years following a licensee's initial license effective date and according to the board's reporting schedule, a licensee must document completion of a minimum of six clock hours each reporting period of cultural diversity training. Licensees must also document completion of six clock hours in courses directly related to the rules of professional conduct in Minnesota Rules, part 4747.1400.

Subd. 4. [STANDARDS FOR APPROVAL.] In order to obtain clock hour credit for a continuing education activity, the activity must:

- (1) constitute an organized program of learning;
- (2) reasonably be expected to advance the knowledge and skills of the alcohol and drug counselor;
- (3) pertain to subjects that directly relate to the practice of alcohol and drug counseling and the core functions of an alcohol and drug counselor or the rules of professional conduct in Minnesota Rules, part 4747.1400;
- (4) be conducted by individuals who have education, training, and experience and are knowledgeable about the subject matter; and
- (5) be presented by a sponsor who has a system to verify participation and maintains attendance records for three years, unless the sponsor provides dated evidence to each participant with the number of clock hours awarded.

Sec. 43. Minnesota Statutes 2002, section 148C.10, subdivision 1, is amended to read:

Subdivision 1. [PRACTICE.] After the commissioner adopts rules, No individual person, other than those individuals exempted under section 148C.045 or 148C.11, shall engage in alcohol and drug counseling practice unless that individual holds a valid license without first being licensed under this chapter as an alcohol and drug counselor. For purposes of this chapter, an individual engages in the practice of alcohol and drug counseling if the individual performs or offers to perform alcohol and drug counseling services as defined in section 148C.01, subdivision 10, or if the individual is held out as able to perform those services.

Sec. 44. Minnesota Statutes 2002, section 148C.10, subdivision 2, is amended to read:

Subd. 2. [USE OF TITLES.] After the commissioner adopts rules, No individual person shall present themselves or any other individual to the public by any title incorporating the words "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed or otherwise qualified to practice alcohol and drug counseling unless that individual holds a valid license. City, county, and state agency alcohol and drug counselors who are not licensed under sections 148C.01 to 148C.11 may use the title "city agency alcohol and drug counselor," "county agency alcohol and drug counselor," or "state agency alcohol and drug counselor." Hospital alcohol and drug counselors who are not licensed under sections 148C.01 to 148C.11 may use the title "hospital alcohol and drug counselor" while acting within the scope of their employment. Persons issued a temporary permit must use titles consistent with section 148C.04, subdivision 6, paragraph (c).

Sec. 45. Minnesota Statutes 2002, section 148C.11, is amended to read:

148C.11 [EXCEPTIONS TO LICENSE REQUIREMENT.]

Subdivision 1. [OTHER PROFESSIONALS.] (a) Nothing in ~~sections 148C.01 to 148C.10 shall prevent this chapter prevents~~ members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes, but is not limited to, licensed physicians, registered nurses, licensed practical nurses, licensed psychological practitioners, members of the clergy, American Indian medicine men and women, licensed attorneys, probation officers, licensed marriage and family therapists, licensed social workers, licensed professional counselors, licensed school counselors, and registered occupational therapists or occupational therapy assistants.

(b) Nothing in this chapter prohibits technicians and resident managers in programs licensed by the department of human services from discharging their duties as provided in Minnesota Rules, chapter 9530.

(c) Any person who is exempt under this section but who elects to obtain a license under this chapter is subject to this chapter to the same extent as other licensees.

(d) These persons must not, however, use a title incorporating the words "alcohol and drug counselor" or "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are engaged in the practice of alcohol and drug counseling, or that they are licensed to engage in the practice of alcohol and drug counseling. Persons engaged in the practice of alcohol and drug counseling are not exempt from the commissioner's jurisdiction solely by the use of one of the above titles.

Subd. 2. [STUDENTS.] Nothing in sections 148C.01 to 148C.10 shall prevent students enrolled in an accredited school of alcohol and drug counseling from engaging in the practice of alcohol and drug counseling while under qualified supervision in an accredited school of alcohol and drug counseling.

Subd. 3. [FEDERALLY RECOGNIZED TRIBES; ETHNIC MINORITIES.] (a) Alcohol and drug counselors ~~licensed to practice practicing~~ alcohol and drug counseling according to standards established by federally recognized tribes, while practicing under tribal jurisdiction, are exempt from the requirements of this chapter. In practicing alcohol and drug counseling under tribal jurisdiction, individuals ~~licensed practicing~~ under that authority shall be afforded the same rights, responsibilities, and recognition as persons licensed pursuant to this chapter.

(b) The commissioner shall develop special licensing criteria for issuance of a license to alcohol and drug counselors who: (1) practice alcohol and drug counseling with a member of an ethnic minority population or with a person with a disability as defined by rule; or (2) are employed by agencies whose primary agency service focus addresses ethnic minority populations or persons with a disability as defined by rule. These licensing criteria may differ from the licensing ~~criteria requirements~~ specified in section 148C.04. To develop, implement, and evaluate the effect of these criteria, the commissioner shall establish a committee comprised of, but not limited to, representatives from the Minnesota commission serving deaf and hard-of-hearing people, the council on affairs of Chicano/Latino people, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, the council on disability, and the Indian affairs council. The committee does not expire.

(c) The commissioner shall issue a license to an applicant who (1) is an alcohol and drug counselor who is exempt under paragraph (a) from the requirements of this chapter; (2) has at least 2,000 hours of alcohol and drug counselor experience as defined by the core functions; and (3) meets the licensing requirements that are in effect on the date of application under section 148C.04, subdivision 3 or 4, except the written case presentation and oral examination component under section 148C.04, subdivision 3, clause (2), or 4, clause (1), item (ii). When applying for a license under this paragraph, an applicant must follow the procedures for admission to licensure specified under section 148C.0351. A person who receives a license under this paragraph must complete the written case

presentation and satisfactorily pass the oral examination component under section 148C.04, subdivision 3, clause (2), or 4, clause (1), item (ii), at the earliest available opportunity after the commissioner begins administering oral examinations. The commissioner may suspend or restrict a person's license according to section 148C.09 if the person fails to complete the written case presentation and satisfactorily pass the oral examination. This paragraph expires July 1, 2004.

Subd. 4. [HOSPITAL ALCOHOL AND DRUG COUNSELORS.] ~~The licensing of hospital alcohol and drug counselors shall be voluntary, while the counselor is employed by the hospital. Effective January 1, 2006, hospitals employing alcohol and drug counselors shall not be required to employ licensed alcohol and drug counselors, nor shall they require their alcohol and drug counselors to be licensed, however, nothing in this chapter will prohibit hospitals from requiring their counselors to be eligible for licensure. An alcohol or drug counselor employed by a hospital must be licensed as an alcohol and drug counselor in accordance with this chapter.~~

Subd. 5. [CITY, COUNTY, AND STATE AGENCY ALCOHOL AND DRUG COUNSELORS.] ~~The licensing of city, county, and state agency alcohol and drug counselors shall be voluntary, while the counselor is employed by the city, county, or state agency. Effective January 1, 2006, city, county, and state agencies employing alcohol and drug counselors shall not be required to employ licensed alcohol and drug counselors, nor shall they require their drug and alcohol counselors to be licensed. An alcohol and drug counselor employed by a city, county, or state agency must be licensed as an alcohol and drug counselor in accordance with this chapter.~~

Subd. 6. [TRANSITION PERIOD FOR HOSPITAL AND CITY, COUNTY, AND STATE AGENCY ALCOHOL AND DRUG COUNSELORS.] For the period between July 1, 2003, and January 1, 2006, the commissioner shall grant a license to an individual who is employed as an alcohol and drug counselor at a Minnesota hospital or a city, county, or state agency in Minnesota if the individual:

(1) was employed as an alcohol and drug counselor at a hospital or a city, county, or state agency before August 1, 2002;

(2) has 8,000 hours of alcohol and drug counselor work experience;

(3) has completed a written case presentation and satisfactorily passed an oral examination established by the commissioner;

(4) has satisfactorily passed a written examination as established by the commissioner; and

(5) meets the requirements in section 148C.0351.

Sec. 46. [148C.12] [FEES.]

Subdivision 1. [APPLICATION FEE.] The application fee is \$295.

Subd. 2. [BIENNIAL RENEWAL FEE.] The license renewal fee is \$295. If the commissioner changes the renewal schedule and the expiration date is less than two years, the fee must be prorated.

Subd. 3. [TEMPORARY PERMIT FEE.] The initial fee for applicants under section 148C.04, subdivision 6, paragraph (a), is \$100. The fee for annual renewal of a temporary permit is \$100.

Subd. 4. [EXAMINATION FEE.] The examination fee for the written examination is \$95 and for the oral examination is \$200.

Subd. 5. [INACTIVE RENEWAL FEE.] The inactive renewal fee is \$150.

Subd. 6. [LATE FEE.] The late fee is 25 percent of the biennial renewal fee, the inactive renewal fee, or the annual fee for renewal of temporary practice status.

Subd. 7. [FEE TO RENEW AFTER EXPIRATION OF LICENSE.] The fee for renewal of a license that has expired for less than two years is the total of the biennial renewal fee, the late fee, and a fee of \$100 for review and approval of the continuing education report.

Subd. 8. [FEE FOR LICENSE VERIFICATIONS.] The fee for license verification to institutions and other jurisdictions is \$25.

Subd. 9. [SURCHARGE FEE.] Notwithstanding section 16A.1285, subdivision 2, a surcharge of \$99 shall be paid at the time of initial application for or renewal of an alcohol and drug counselor license until June 30, 2013.

Subd. 10. [NONREFUNDABLE FEES.] All fees are nonrefundable.

Sec. 47. Minnesota Statutes 2002, section 214.01, subdivision 2, is amended to read:

Subd. 2. [HEALTH-RELATED LICENSING BOARD.] "Health-related licensing board" means the board of examiners of nursing home administrators established pursuant to section 144A.19, the office of unlicensed complementary and alternative health care practice established pursuant to section 146A.02, the board of medical practice created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of optometry established pursuant to section 148.52, the board of physical therapy established pursuant to section 148.67, the board of psychology established pursuant to section 148.90, the board of social work pursuant to section 148B.19, the board of marriage and family therapy pursuant to section 148B.30, the office of mental health practice established pursuant to section 148B.61, the board of licensed professional counseling established by section 148B.51, the alcohol and drug counselors licensing advisory council established pursuant to section 148C.02, the board of dietetics and nutrition practice established under section 148.622, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatric medicine established pursuant to section 153.02, and the board of veterinary medicine, established pursuant to section 156.01.

Sec. 48. Minnesota Statutes 2002, section 214.04, subdivision 3, is amended to read:

Subd. 3. [OFFICERS; STAFF.] The executive director of each health-related board and the executive secretary of each non-health-related board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director or executive secretary shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive directors, executive secretaries, and other employees of the following boards shall be hired by the board, and the executive directors or executive secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- (1) dentistry;
- (2) medical practice;
- (3) nursing;
- (4) pharmacy;
- (5) accountancy;

- (6) architecture, engineering, land surveying, landscape architecture, geoscience, and interior design;
- (7) barber examiners;
- (8) cosmetology;
- (9) electricity;
- (10) teaching;
- (11) peace officer standards and training;
- (12) social work;
- (13) marriage and family therapy; ~~and~~
- (14) dietetics and nutrition practice; and
- (15) licensed professional counseling.

The executive directors or executive secretaries serving the boards are hired by those boards and are in the unclassified civil service, except for part-time executive directors or executive secretaries, who are not required to be in the unclassified service. Boards not requiring full-time executive directors or executive secretaries may employ them on a part-time basis. To the extent practicable, the sharing of part-time executive directors or executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive directors or executive secretaries of the boards and employees of the attorney general, are classified civil service employees of the department servicing the board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Sec. 49. Minnesota Statutes 2002, section 214.10, subdivision 9, is amended to read:

Subd. 9. [ACTS AGAINST MINORS.] (a) As used in this subdivision, the following terms have the meanings given them.

(1) "Licensed person" means a person who is licensed under this chapter by the board of nursing, the board of psychology, the social work licensing board, the board of marriage and family therapy, the board of unlicensed mental health service providers, the board of licensed professional counseling, or the board of teaching.

(2) "Crime against a minor" means conduct that constitutes a violation of section 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, 609.215, 609.221, 609.222, 609.223, 609.342, 609.343, 609.345, or a felony violation of section 609.377.

(b) In any license revocation proceeding, there is a rebuttable presumption that a licensed person who is convicted in a court of competent jurisdiction of committing a crime against a minor is unfit to practice the profession or occupation for which that person is licensed.

Sec. 50. Minnesota Statutes 2002, section 609.341, subdivision 17, is amended to read:

Subd. 17. "Psychotherapist" means a person who is or purports to be a physician, psychologist, nurse, chemical dependency counselor, social worker, marriage and family therapist, licensed professional counselor, or other mental health service provider; or any other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

## Sec. 51. [INITIAL BOARD.]

Notwithstanding Minnesota Statutes, section 148B.51, members of the first board appointed under that section need not be licensed, but must meet all qualifications, other than payment of fees, to be eligible for licensure under Minnesota Statutes, sections 148B.50 to 148B.593.

## Sec. 52. [INTERAGENCY AGREEMENT.]

The board of licensed professional counselors and the board of psychology shall enter into an interagency agreement for shared administrative services.

## Sec. 53. [TRANSFER OF REGULATORY AUTHORITY.]

Effective July 1, 2006, the regulatory authority for licensed alcohol and drug counselors under Minnesota Statutes, chapter 148C, shall be transferred from the commissioner of health to the board of licensed professional counseling created under Minnesota Statutes, section 148B.51.

## Sec. 54. [APPROPRIATION.]

\$175,000 in fiscal year 2004 and \$145,000 in fiscal year 2005 are appropriated from the state government special revenue fund to the professional counseling licensing board for the purposes of sections 148B.50 to 148B.593 to be available until July 1, 2004.

## Sec. 55. [REVISOR INSTRUCTION.]

The revisor of statutes shall insert the "board of licensed professional counseling" or "board" wherever "commissioner of health" or "commissioner" appears in Minnesota Statutes, chapter 148C, and Minnesota Rules, chapter 4747.

## Sec. 56. [REPEALER.]

(a) Minnesota Statutes 2002, sections 148B.60; 148B.61; 148B.63; 148B.64; 148B.65; 148B.66; 148B.67; 148B.68; 148B.69; 148B.70; and 148B.71, are repealed.

**[EFFECTIVE DATE.]** This paragraph is effective July 1, 2006.

(b) Minnesota Statutes 2002, sections 148C.0351, subdivision 2; 148C.05, subdivisions 2, 3, and 4; 148C.06; and 148C.10, subdivision 1a, are repealed.

(c) Minnesota Rules, parts 4747.0030, subparts 25, 28, and 30; 4747.0040, subpart 3, item A; 4747.0060, subpart 1, items A, B, and D; 4747.0070, subparts 4 and 5; 4747.0080; 4747.0090; 4747.0100; 4747.0300; 4747.0400, subparts 2 and 3; 4747.0500; 4747.0600; 4747.1000; 4747.1100, subpart 3; and 4747.1600, are repealed.

(d) Minnesota Statutes 2002, sections 148B.30; and 148C.01, subdivision 6, are repealed.

**[EFFECTIVE DATE.]** This paragraph is effective July 1, 2005.

## Sec. 57. [EFFECTIVE DATE.]

This act is effective July 1, 2003."

Delete the title and insert:

"A bill for an act relating to professions; establishing the board of licensed professional counseling; requiring professional counselors to be licensed; regulating alcohol and drug counselors; requiring rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 116J.70, subdivision 2a; 148A.01, subdivision 5; 148B.60, subdivision 3; 148C.01, subdivisions 2, 12, by adding subdivisions; 148C.03, subdivision 1; 148C.0351, subdivision 1, by adding a subdivision; 148C.04; 148C.05, subdivision 1, by adding subdivisions; 148C.07; 148C.10, subdivisions 1, 2; 148C.11; 214.01, subdivision 2; 214.04, subdivision 3; 214.10, subdivision 9; 609.341, subdivision 17; proposing coding for new law in Minnesota Statutes, chapters 148B; 148C; repealing Minnesota Statutes 2002, sections 148B.30; 148B.60; 148B.61; 148B.63; 148B.64; 148B.65; 148B.66; 148B.67; 148B.68; 148B.69; 148B.70; 148B.71; 148C.01, subdivision 6; 148C.0351, subdivision 2; 148C.05, subdivisions 2, 3, 4; 148C.06; 148C.10, subdivision 1a; Minnesota Rules, parts 4747.0030, subparts 25, 28, and 30; 4747.0040, subpart 3, item A; 4747.0060, subpart 1, items A, B, and D; 4747.0070, subparts 4 and 5; 4747.0080; 4747.0090; 4747.0100; 4747.0300; 4747.0400, subparts 2 and 3; 4747.0500; 4747.0600; 4747.1000; 4747.1100, subpart 3; 4747.1600."

With the recommendation that when so amended the bill be re-referred to the Committee on Rules and Legislative Administration without further recommendation.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 606, A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; modifying provisions for payment of claims; regulating disclosure of profiling data; amending Minnesota Statutes 2002, sections 62M.07; 62Q.74; 62Q.75, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2002, section 62Q.745.

Reported the same back with the following amendments:

Page 2, line 34, delete everything after "than" and insert ":

(1) hospitals,

(2) ambulatory surgical centers, or

(3) free-standing emergency rooms."

Page 3, line 35, delete the second "a" and insert "an initial"

Page 3, line 36, after "give" insert "or make available"

Page 9, after line 24, insert:

"Subd. 6. [BENEFIT DESIGN CHANGES.] For purposes of this section, "different underlying financial reimbursement methodology" does not include health plan benefit design changes, including but not limited to changes in co-payment or deductible amounts or other changes in member cost-sharing requirements."

Page 11, line 33, delete "DATE" and insert "DATES"

Page 11, delete line 34 and insert:

"Sections 1, 2, and 4 are effective for provider contracts issued, renewed, or amended on or after July 1, 2003. Sections 3, 6, 8, and 10 are effective for provider contracts issued, renewed, or amended on or after January 1, 2004. Sections 5, 7, 9, 11, and 12 are effective for provider contracts issued, renewed, or amended on or after July 1, 2005."

With the recommendation that when so amended the bill pass.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

S. F. No. 420, A bill for an act relating to consumer protection; regulating membership travel contracts; amending Minnesota Statutes 2002, sections 325G.50; 325G.51; proposing coding for new law in Minnesota Statutes, chapter 325G.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 1019, A bill for an act relating to health; establishing a reporting system for adverse health care events; amending Minnesota Statutes 2002, section 145.64, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. No. 606 was read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 794, 420 and 1019 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Kielkucki introduced:

H. F. No. 1620, A bill for an act relating to public safety; permitting school buses and Head Start buses to be inspected by certified inspectors; amending Minnesota Statutes 2002, section 169.451.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Kielkucki, Hilty, Lanning, Swenson and Eken introduced:

H. F. No. 1621, A bill for an act relating to governmental operations; appropriating money for local government planning assistance.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Carlson; Dorn; Latz; Pelowski; Koenen; Johnson, S.; Solberg; Jaros; Sertich; Wagenius; Opatz; Nelson, M.; Mahoney; Hilstrom; Lieder; Hausman; Pugh; Murphy; Juhnke; Thissen; Peterson; Ellison; Mullery and Clark introduced:

H. F. No. 1622, A bill for an act relating to early childhood; providing for family and kindergarten through grade 12 education including general education, education excellence, special programs, facilities and technology, nutrition, libraries, early family childhood support, prevention, self-sufficiency and life-long learning, state agencies, deficiencies, education policy initiatives; proposing an amendment to the Minnesota Constitution, article XIII, section 1; appropriating money; amending Minnesota Statutes 2002, sections 15.01; 62A.661, subdivision 6; 119A.01, subdivision 2; 119A.02, subdivisions 2, 3; 119B.011, subdivisions 8, 10; 120A.02; 120A.05, subdivisions 4, 7; 120A.41; 120B.35, by adding a subdivision; 121A.03, subdivisions 2, 3, by adding a subdivision; 121A.55; 121A.61, subdivision 3; 122A.09, subdivision 4; 123B.143, subdivision 1; 123B.90, subdivisions 2, 3; 123B.91, subdivision 1; 124D.081, subdivision 3; 124D.09, subdivisions 4, 5, 7, 8, 9; 124D.10, subdivision 20; 124D.135, subdivision 1; 126C.10, subdivisions 1, 4, by adding subdivisions; 126C.457; 127A.05, subdivisions 1, 3; 169.28, subdivision 1; 169.4503, subdivision 4; 169.454, subdivision 6; 171.321, subdivision 5; 626.8451, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 122A; 125A; 174; repealing Minnesota Statutes 2002, sections 119A.01, subdivision 1; 123B.90, subdivision 1; 169.441, subdivision 4.

The bill was read for the first time and referred to the Committee on Education Policy.

Greiling, Bernardy, Biernat, Goodwin, Eken, Davnie, Slawik, Hornstein, Mariani, Sieben, Kelliher, Entenza, Atkins, Walker, Thao and Hilty introduced:

H. F. No. 1623, A bill for an act relating to early childhood; providing for family and kindergarten through grade 12 education including general education, education excellence, special programs, facilities and technology, nutrition, libraries, early family childhood support, prevention, self-sufficiency and life-long learning, state agencies, deficiencies, education policy initiatives; proposing an amendment to the Minnesota Constitution, article XIII, section 1; appropriating money; amending Minnesota Statutes 2002, sections 15.01; 62A.661, subdivision 6;

119A.01, subdivision 2; 119A.02, subdivisions 2, 3; 119B.011, subdivisions 8, 10; 120A.02; 120A.05, subdivisions 4, 7; 120A.41; 120B.35, by adding a subdivision; 121A.03, subdivisions 2, 3, by adding a subdivision; 121A.55; 121A.61, subdivision 3; 122A.09, subdivision 4; 123B.143, subdivision 1; 123B.90, subdivisions 2, 3; 123B.91, subdivision 1; 124D.081, subdivision 3; 124D.09, subdivisions 4, 5, 7, 8, 9; 124D.10, subdivision 20; 124D.135, subdivision 1; 126C.10, subdivisions 1, 4, by adding subdivisions; 126C.457; 127A.05, subdivisions 1, 3; 169.28, subdivision 1; 169.4503, subdivision 4; 169.454, subdivision 6; 171.321, subdivision 5; 626.8451, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 122A; 125A; 174; repealing Minnesota Statutes 2002, sections 119A.01, subdivision 1; 123B.90, subdivision 1; 169.441, subdivision 4.

The bill was read for the first time and referred to the Committee on Education Policy.

Hausman, Paymar, Clark, Entenza, Mariani and Johnson, S., introduced:

H. F. No. 1624, A bill for an act relating to consumer protection; generally prohibiting the sale of antibacterial soaps; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Sertich, Dorman, Magnus and Dorn introduced:

H. F. No. 1625, A bill for an act relating to appropriations; appropriating money for technical assistance to small businesses.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 321, A bill for an act relating to the city of Northfield; authorizing the city to establish and operate related medical facilities in conjunction with its municipal hospital at a site outside the city limits; authorizing Northfield to acquire real or personal property for the related medical facilities.

PATRICE DWORAK, First Assistant Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 503, A bill for an act relating to elections; clarifying certain duties; amending Minnesota Statutes 2002, section 204D.04, subdivision 2.

H. F. No. 504, A bill for an act relating to elections; limiting certain ballot questions; amending Minnesota Statutes 2002, section 205.10, by adding a subdivision.

PATRICE DWORAK, First Assistant Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 859, A bill for an act relating to natural resources; modifying provisions for the sale of state timber; providing criminal penalties; amending Minnesota Statutes 2002, sections 90.01, by adding a subdivision; 90.101; 90.121; 90.14; 90.151, subdivisions 1, 2; 90.161, subdivision 1; 90.173; 90.191, subdivisions 3, 4; 90.251, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 90.

PATRICE DWORAK, First Assistant Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 946, A bill for an act relating to insurance; regulating the insurance guaranty association; regulating the collection and use of certain insurance information; amending Minnesota Statutes 2002, sections 60C.02, subdivision 1; 60C.03, subdivisions 5, 9; 60C.05, subdivision 1; 60C.07, subdivision 2; 60C.09; 60C.11, subdivision 7; 60C.16; 60C.18, subdivision 1; 72A.501, subdivision 2; repealing Minnesota Statutes 2002, section 60C.18, subdivision 2.

PATRICE DWORAK, First Assistant Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1095, A bill for an act relating to human services; extending the deadline for commencing construction for previously approved moratorium projects; providing for expired and canceled proposals; amending Minnesota Statutes 2002, section 144A.073, by adding subdivisions.

PATRICE DWORAK, First Assistant Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 784, A bill for an act relating to crimes; prohibiting interfering with emergency communications; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

The Senate has appointed as such committee:

Senators Foley, Berglin, Ranum, Higgins and Knutson.

Said House File is herewith returned to the House.

PATRICE DWORAK, First Assistant Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 328, A bill for an act relating to health; authorizing the board of psychology to require an independent examination of a practitioner; classifying such information; amending Minnesota Statutes 2002, sections 13.383, subdivision 8; 148.941, by adding a subdivision.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Solon, Higgins and Kiscaden.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICE DWORAK, First Assistant Secretary of the Senate

Powell moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 328. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 575, A bill for an act relating to civil actions; modifying the limitation period for civil actions for personal injury based on sexual abuse against a minor; amending Minnesota Statutes 2002, section 541.073.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Kubly, Ortman and Skoglund.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICE DWORAK, First Assistant Secretary of the Senate

Holberg moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 575. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 693, A bill for an act relating to the metropolitan council; authorizing the use of energy forward pricing mechanisms; proposing coding for new law in Minnesota Statutes, chapter 473.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Wiger, Dibble and Robling.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICE DWORAK, First Assistant Secretary of the Senate

Buesgens moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 693. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1119, A bill for an act relating to elections; changing certain deadlines, procedures, requirements, and provisions; appropriating money; amending Minnesota Statutes 2002, sections 5.08; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 126C.17, subdivision 9; 201.061, subdivision 3; 201.071, subdivision 3; 201.161; 201.1611, subdivision 1; 201.171; 201.221, subdivision 3; 201.275; 202A.14, subdivision 3; 203B.085; 203B.11, subdivision 1; 203B.125; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.13, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivision 3; 204B.18, subdivision 1; 204B.19, subdivisions 1, 6, by adding a subdivision; 204B.21, subdivisions 1, 2; 204B.22, by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivision 4; 204B.41; 204C.06, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.15, subdivision 1; 204C.20, subdivision 2; 204C.28, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.14, by adding a subdivision; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.07, subdivision 3, by adding a subdivision; 206.58, subdivision 1; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 351.01, subdivision 4; 365.51, subdivision 3; 367.12; 375.101, subdivision 1; 414.041, subdivision 1; 447.32, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapters 5; 204D.

PATRICE DWORAK, First Assistant Secretary of the Senate

Kielkucki moved that the House refuse to concur in the Senate amendments to H. F. No. 1119, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 547, A bill for an act relating to commerce; regulating payment for certain warranty work by farm implement dealers; changing the definition of heavy and utility equipment; amending Minnesota Statutes 2002, section 325E.068, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 325E.

PATRICE DWORAK, First Assistant Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Davids moved that the House concur in the Senate amendments to H. F. No. 547 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 547, A bill for an act relating to commerce; regulating payment for certain warranty work by farm implement dealers; changing the definition of heavy and utility equipment; amending Minnesota Statutes 2002, section 325E.068, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Goodwin	Johnson, S.	Lipman	Paymar
Abrams	Davids	Greiling	Juhnke	Magnus	Pelowski
Adolphson	Davnie	Gunther	Kahn	Mahoney	Penas
Anderson, B.	DeLaForest	Haas	Kelliher	Marquart	Peterson
Anderson, I.	Demmer	Hackbarth	Kielkucki	McNamara	Powell
Anderson, J.	Dempsey	Harder	Klinzing	Meslow	Pugh
Atkins	Dill	Hausman	Knoblach	Mullery	Rhodes
Beard	Dorman	Heidgerken	Koenen	Murphy	Rukavina
Bernardy	Dorn	Hilstrom	Kohls	Nelson, C.	Ruth
Biernat	Eastlund	Hilty	Kuisle	Nelson, M.	Samuelson
Borrell	Eken	Holberg	Lanning	Nelson, P.	Seagren
Boudreau	Ellison	Hoppe	Larson	Nornes	Seifert
Bradley	Entenza	Hornstein	Latz	Olsen, S.	Sertich
Brod	Erhardt	Howes	Lenczewski	Olson, M.	Severson
Buesgens	Erickson	Huntley	Lesch	Opatz	Sieben
Carlson	Finstad	Jacobson	Lieder	Osterman	Simpson
Clark	Fuller	Jaros	Lindgren	Otto	Slawik
Cornish	Gerlach	Johnson, J.	Lindner	Ozment	Smith

Soderstrom	Strachan	Thissen	Wagenius	Wardlow	Westrom
Solberg	Sykora	Tingelstad	Walker	Wasiluk	Wilkin
Stang	Thao	Urdahl	Walz	Westerberg	Zellers

Those who voted in the negative were:

Krinkie                      Vandever

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 770, 597, 1278, 771, 906, 1192, 904 and 78.

PATRICE DWORAK, First Assistant Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 770, A bill for an act relating to Hennepin county; removing its medical center and its health maintenance organization from certain contracting requirements; amending Minnesota Statutes 2002, section 383B.217, subdivision 7.

The bill was read for the first time.

Abrams moved that S. F. No. 770 and H. F. No. 845, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 597, A bill for an act relating to crimes; making it a crime of child endangerment to manufacture controlled substances in the presence of a child; modifying an exception to the prohibition relating to the possession of pornographic work involving minors; amending Minnesota Statutes 2002, sections 609.378, subdivision 1, by adding subdivisions; 617.247, subdivision 5.

The bill was read for the first time.

Lesch moved that S. F. No. 597 and H. F. No. 652, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1278, A bill for an act relating to crime prevention; clarifying the reporting requirements of the predatory offender registration law; amending Minnesota Statutes 2002, section 243.166, subdivisions 3, 4a.

The bill was read for the first time.

Soderstrom moved that S. F. No. 1278 and H. F. No. 1482, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 771, A bill for an act relating to insurance; improving insurance coverage of long-term care; amending Minnesota Statutes 2002, sections 61A.072, subdivision 6; 62A.315; 62A.48, by adding a subdivision; 62A.49, by adding a subdivision; 62S.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62S.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

S. F. No. 906, A bill for an act relating to corrections; authorizing collection of treatment co-pays from offenders; amending Minnesota Statutes 2002, section 241.272, by adding a subdivision.

The bill was read for the first time.

Soderstrom moved that S. F. No. 906 and H. F. No. 921, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1192, A bill for an act relating to drivers' licenses; requiring department of public safety to forward information about certain driver's license and identification card applicants to selective service system; amending Minnesota Statutes 2002, section 171.06, by adding a subdivision.

The bill was read for the first time.

Rhodes moved that S. F. No. 1192 and H. F. No. 1216, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 904, A bill for an act relating to state government; state vehicles; regulating the leasing or other acquisition of motor vehicles for the use of state officials and employees; amending Minnesota Statutes 2002, section 16B.54, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

S. F. No. 78, A bill for an act relating to local government; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; appropriating money; amending Minnesota Statutes 2002, sections 161.465; 366.011; 366.012.

The bill was read for the first time and referred to the Committee on Taxes.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following additional bills to be placed on the Calendar for the Day for Thursday, May 15, 2003:

H. F. Nos. 1064 and 1425; and S. F. Nos. 388, 926, 1260, 675, 39 and 1099.

**CALENDAR FOR THE DAY**

There being no objection, S. F. No. 794 was reported to the House.

**SUSPENSION OF RULES**

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Westrom moved that the rule therein be suspended and an urgency be declared so that S. F. No. 794 be given its third reading and be placed upon its final passage. The motion prevailed.

Westrom moved that the Rules of the House be so far suspended that S. F. No. 794 be given its third reading and be placed upon its final passage. The motion prevailed.

Dempsey moved to amend S. F. No. 794 as follows:

Page 34, after line 9, insert:

"Sec. 36. [PERSONS LIVING NEAR THE NUCLEAR FACILITY; COMPENSATION.]

A natural person residing within 1,000 yards of the Prairie Island nuclear generation facility may petition the public utilities commission for monetary or in-kind compensation from the owner of the generation facility for damage to the person caused by the facility. The commission may order the owner to pay compensation, if the commission finds after a contested case action that the evidence demonstrates that the proximity of the natural person to the generation facility caused the damage complained of.

Sec. 37. [PERSONS LIVING NEAR THE NUCLEAR FACILITY; HEALTH STUDY.]

The public utility that owns the Prairie Island nuclear generation facility shall fund a study to determine the potential for health effects of living near the Prairie Island nuclear facility."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Westrom moved to amend S. F. No. 794, as amended, as follows:

Page 2, line 11, delete "\$8,500,000" and insert "\$12,000,000"

Page 2, line 12, delete everything after the period

Page 2, delete lines 13 to 14

Page 2, line 15, delete everything before the period

Page 2, line 17, delete "in"

Page 2, line 18, delete the new language

Page 2, line 30, after the period, insert "These funds shall be transferred to the University of Minnesota on or before July 1 of each year. The University shall ensure that at least 25 percent of these funds are available for basic and applied research, for construction and deployment of research technologies, or for other purposes in support of this research, at one rural campus or experiment station."

Page 3, line 6, delete "\$7,000,000" and insert "\$5,000,000"

Page 3, line 8, delete "150" and insert "100"

Page 3, line 11, after the period, insert "Of this amount, up to \$500,000 annually may be used for production incentives for on-farm biogas recovery facilities that are eligible for the incentive under section 216C.41."

Page 3, after line 32, insert:

"Subd. 4. [CAPITAL ASSISTANCE.] Up to \$3,000,000 annually must be allocated to provide capital assistance in the form of low- or no-interest loans, grants, or other financial means to reduce the capital costs for the construction of wind energy conversion systems of two megawatts or less of nameplate capacity and on-farm biogas recovery facilities as that term is defined in section 216C.41."

Page 4, line 26, after the period, delete the rest of the line and insert "In considering an application for a certificate of need pursuant to this subdivision, the commission shall consider whether the public utility that owns the nuclear generation facility in the state is in compliance with section 216B.1691 and the utility's past performance under that section."

Page 4, delete lines 27 to 31

Page 5, line 2, delete "2" and insert "4"

Page 5, delete lines 32 to 35

Page 7, line 12, after "of" insert "residential"

Page 8, line 11, after the semicolon, insert "hydrogen, provided that after January 1, 2010, the hydrogen must be generated from the resources listed in this clause;"

Page 8, line 15, delete the new language and strike "state" and strike "law" and insert "Laws 1994, chapter 641," and after "or" insert "by"

Page 8, line 16, strike "enacted or" and after "issued" insert "pursuant to that chapter"

Page 8, after line 19, insert:

"(c) "Total retail electric sales" means the kilowatt-hours of electricity sold in a year by an electric utility to retail customers of the electric utility or to a distribution utility for distribution to the retail customers of the distribution utility."

Page 8, line 26, strike "members" and insert "customers"

Page 8, line 29, strike "energy provided to those retail customers" and insert "utility's total retail electric sales"

Page 8, line 32, after "percent" insert "of the utility's total retail electric sales" and after the semicolon, insert "and"

Page 8, line 35, strike "; and" and insert a period

Page 8, line 36, strike "(4)" and insert "(b)"

Page 9, line 1, after "under" insert "paragraph (a)."

Page 9, line 5, reinstate the stricken language

Page 9, line 6, reinstate the stricken language and delete the rest of the line and insert a period

Page 9, delete line 7

Page 9, line 8, delete everything before "An"

Page 9, line 15, strike "(b)" and insert "(c) Energy generated by a facility using an eligible energy technology shall count toward an electric utility's objectives under this subdivision as provided in this paragraph. A kilowatt-hour produced by:

(1) an intermittent resource greater than two megawatts of nameplate capacity or a peaking resource shall count as one kilowatt-hour;

(2) an intermittent resource two megawatts or less of nameplate capacity or an intermediate resource shall count as two kilowatt-hours; and

(3) a baseload resource shall count as three kilowatt-hours.

(d) By June 1, 2004, the commission shall issue an order detailing the criteria and standards by which it will measure an electric utility's efforts to meet the renewable energy objectives of this section to determine whether the utility is making the required good faith effort. In this order, the commission shall include criteria and standards that protect against undesirable impacts on the reliability of the utility's system and unreasonable economic impacts on the utility's ratepayers and that considers technical feasibility.

Subd. 3. [UTILITY PLANS FILED WITH THE COMMISSION.] (a) and after "its" insert "plans." and after "activities" insert a comma

Page 9, line 17, after "216B.2422" insert "or in a separate report submitted to the commission every two years, whichever is earlier, demonstrating to the commission that the utility is making the required good faith effort" and after the period, insert "In its resource plan or a separate report, each electric utility shall provide a description of:

(1) the status of the utility's renewable energy mix relative to the good faith objective;

(2) efforts taken to meet the objective;

(3) any obstacles encountered or anticipated in meeting the objective; and

(4) potential solutions to the obstacles.

The commission shall require any utility that the commission finds is not making the required good faith effort to submit for commission approval a plan to make the required effort to achieve missed objectives."

Page 9, line 18, strike "(c)" and insert "(b)" and after "The" strike "commission, in consultation with the"

Page 9, line 19, strike "of commerce,"

Page 9, line 20, strike "(b)" and insert "(a)"

Page 9, line 25, strike "2002" and insert "of each odd-numbered year"

Page 9, after line 25, insert:

"Subd. 4. [GREEN PRICING PROGRAMS.] An electric utility may count energy provided to a retail customer under a renewable rate option or "green-pricing" program under section 216B.169 towards the utility's renewable energy objectives under this section, provided the energy meets the criteria under subdivision 1, paragraph (a), and the energy is generated or procured by the electric utility. However, the existence of such a program under section 216B.169 by an electric utility, or by a distribution utility to which the electric utility provides wholesale service, is not by itself evidence of a good faith effort for the purposes of this section.

Subd. 5. [RENEWABLE ENERGY CREDITS.] (a) To facilitate compliance with this section, the commission, by rule or order, shall establish a program for tradable credits for electricity generated by an eligible energy technology. In doing so, the commission shall implement a system that constrains or limits the cost of credits, taking care to ensure that such a system does not undermine the market for those credits.

(b) In lieu of generating or procuring energy directly to satisfy the renewable energy objective of this section, an electric utility may purchase sufficient renewable energy credits, issued pursuant to this subdivision, to meet its objective.

(c) Upon the passage of a renewable energy standard, portfolio, or objective in a bordering state that includes a similar definition of eligible energy technology or renewable energy, the commission may facilitate the trading of renewable energy credits between states.

Subd. 6. [CO-FIRING.] An eligible energy technology may blend or co-fire a fuel listed in subdivision 1, paragraph (a), clause (1), with other fuels in the generation facility, but only the percentage of electricity that is attributable to a fuel listed in that clause can be counted towards an electric utility's renewable energy objectives. This percentage shall be calculated as the thermal content of the fuel source listed in that clause as a percentage of the overall thermal content of the blended fuel used to generate electricity.

Subd. 7. [ELECTRIC UTILITY THAT OWNS A NUCLEAR GENERATION FACILITY.] (a) An electric utility that owns a nuclear generation facility shall make a good faith effort, as part of its good faith effort under subdivision 2, to deploy an additional 300 megawatts of nameplate capacity of wind energy conversion systems by 2012, beyond the amount of wind energy capacity to which the utility is committed as of May 1, 2003. At least 100 megawatts of this capacity is to wind energy conversion systems of two megawatts or less, which shall not be eligible for the production incentive under section 216C.41. To the greatest extent technically feasible and economic, these small wind energy facilities are to be distributed geographically throughout the state in class 3, 4, and 5 wind resource areas. The utility may opt to construct and operate up to 100 megawatts of the balance of the wind energy capacity under this subdivision. The deployment of the wind energy capacity under this subdivision must be consistent with the outcome of the engineering study required under paragraph (b).

(b) Recognizing that the intermittency of wind energy may have reliability impacts on a utility's electric system when deployed at high percentages of a utility's total electric retail sales, the commission shall order the electric utility subject to this subdivision to contract with a firm selected by the commissioner of commerce for an independent engineering study of the impacts of increasing wind capacity on its system above the 825 megawatts of nameplate wind energy capacity to which the utility is already committed, to evaluate options available to manage the intermittent nature of this renewable resource, including, but not limited to, increased levels of ancillary services,

storage, additional nonrenewable generation support, and transmission system upgrades. The study shall identify the costs and benefits of various alternatives and identify the most cost-effective means of adding additional wind energy and other renewable resources. The study shall be completed by June 1, 2004, and incorporated into the utility's next resource plan filing. The costs of the study, options pursued by the utility to manage the intermittent nature of wind energy, and the costs of complying with paragraph (a) shall be recoverable under section 216B.1645."

Page 9, delete lines 26 to 36

Page 10, delete lines 1 to 18

Page 12, strike lines 16 to 23

Page 12, line 30, after the period, insert "The overview filed by a municipality or a cooperative shall estimate the utility's cost per kilowatt saved, cost per first year kilowatt-hour saved, and where practicable, cost per lifetime kilowatt-hour saved. The municipal or cooperative electric utility's cost for a program is the total of its costs for customer incentives, program delivery utility administration, advertising and promotion, evaluation, and any other cost components."

Page 13, after line 19, insert:

"Sec. 14. Minnesota Statutes 2002, section 216B.2411, is amended to read:

216B.2411 [DISTRIBUTED ENERGY RESOURCES.]

(a) To the extent that cost-effective projects are available in the service territory of a public utility or association providing ~~conservation~~ natural gas services under section 216B.241, the utility ~~or association~~ shall use five percent of the total amount to be spent on energy conservation improvements under section 216B.241, on:

(1) projects to construct an electric generating facility that utilizes renewable fuels as defined in section 216B.2422, subdivision 1, such as methane or other combustible gases derived from the processing of plant or animal wastes, biomass fuels such as short-rotation woody or fibrous agricultural crops, or other renewable fuel, as its primary fuel source; or

(2) projects to install a distributed generation facility of ten megawatts or less of interconnected capacity that is fueled by natural gas, renewable fuels, or another similarly clean fuel.

(b) For public utilities, as defined under section 216B.02, subdivision 4, projects under this section must be considered energy conservation improvements as defined in section 216B.241. ~~For cooperative electric associations and municipal utilities, projects under this section must be considered load management activities described in section 216B.241, subdivision 1, paragraph (i).~~

~~(d) This section expires May 30, 2006.~~

Sec. 15. [216B.2412] [RENEWABLE ENERGY PROJECTS.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the terms defined in this subdivision and section 216B.241, subdivision 1, have the meanings given them.

(b) "Electric utility" means any public utility, cooperative electric association, or municipality subject to section 216B.241 that is providing electric service at retail.

(c) "Eligible renewable energy sources" means fuels and technologies to generate electricity through the use of any of the following resources:

(1) wind;

(2) hydrogen, provided that after January 1, 2010, the hydrogen must be generated from the resources listed in this paragraph;

(3) solar;

(4) geothermal;

(5) hydroelectric with a capacity of less than 60 megawatts;

(6) biomass;

(7) landfill gas; and

(8) refuse derived fuel and solid waste.

(d) "Biomass" includes:

(1) methane or other combustible gases derived from the processing of plant or animal material;

(2) alternative fuels derived from soybean and other agricultural plant oils or animal fats;

(3) combustion of barley hulls, corn, soy-based products, or other agricultural products; and

(4) wood residue from the wood products industry in Minnesota, or other wood products, such as short-rotation woody or fibrous agricultural crops.

(e) "Eligible renewable energy project" is a project to either conduct research into the development of eligible renewable energy sources and technologies or to deploy technologies in Minnesota that utilize eligible renewable energy sources.

Subd. 2. [ELIGIBLE RENEWABLE ENERGY RESEARCH.] (a) An electric utility shall spend five percent of the total amount that utility is required to spend under section 216B.241 to support basic and applied research at the University of Minnesota for the development of the sustainable energy sources and technologies listed in subdivision 1, paragraph (c), clauses (2), (3), and (6). These funds shall be transferred to the University of Minnesota on or before July 1 of each year. The University of Minnesota shall ensure that at least 25 percent of funds spent under this section are available for basic and applied research at least one rural campus or experiment station.

(b) Research funded under this subdivision must have a direct benefit to Minnesota. Research funded under paragraph (a) may focus on hydrogen, solar, and biomass and:

(1) conversion of state wind resources to hydrogen for energy storage and transportation to areas of energy demand;

(2) improvement of scalable hydrogen fuel cells for stationary combined electricity generation and heating/cooling function for residential and commercial use; and

(3) processing of agricultural and forestry products for production of hydrogen and other fuels and sequestration of carbon using a variety of means, including biocatalysis and fermentation.

Subd. 3. [DEPLOYMENT OF ELIGIBLE RENEWABLE ENERGY SOURCES.] (a) An electric utility shall spend ten percent of the total amount that utility is required to spend under section 216B.241 for the deployment of electric generation technologies in Minnesota that use eligible renewable energy sources. Funds under this section may also be used for incentives to convert existing Minnesota generation facilities to use eligible renewable energy sources, either exclusively or in conjunction with other fuels. Expenditures under this subdivision must be consistent with the determination of the commissioner pursuant to subdivision 6.

(b) Electricity generated using an eligible renewable energy source may be counted toward the renewable energy objectives in section 216B.1691. For a generation facility that utilizes an eligible renewable energy source based on the combustion of fuel, electricity produced by the facility may only count toward an electric utility's renewable energy objectives if the facility:

(1) was constructed in compliance with new source performance standards promulgated under the federal Clean Air Act for a generation facility of that type; or

(2) employs the maximum achievable or best available control technology available for a generation facility of that type identified by the federal Environmental Protection Agency pursuant to the federal Clean Air Act.

(c) An eligible renewable energy source listed in subdivision 1 may be blended or co-fired with other fuels in the generation facility, but only the percentage of electricity that is attributable to the eligible renewable energy source can be counted towards an electric utility's renewable energy objectives. This percentage shall be calculated as the thermal content of the eligible renewable energy source as a percentage of the overall thermal content of the blended fuel used to generate electricity.

Subd. 4. [POOLING OF RESOURCES OF MULTIPLE UTILITIES.] Two or more electric utilities may pool resources under this section to provide assistance jointly to proposed eligible renewable energy projects. The utilities shall negotiate and agree among themselves for allocation of benefits associated with a project, such as the ability to count energy generated by a project toward a utility's renewable energy objectives under section 216B.1691. The utilities shall provide a summary of the allocation of benefits to the commissioner.

Subd. 5. [CREDIT FOR PROJECTS OUTSIDE OF SERVICE TERRITORY.] An electric utility may spend funds under this section for sustainable energy projects in Minnesota that are outside the service territory of the utility. Upon application by an electric utility, the commissioner shall authorize a credit of three percent of the amount the electric utility contributed toward an eligible renewable energy project that is outside the electric utility's service territory. This credit shall be deducted from the utility's overall required spending under section 216B.241. The commissioner may extend that credit to up to ten percent of the amount the utility contributes to a project outside of its service territory, if the commissioner determines that a proposed project is important to the advancement of state policy goals under subdivision 6 and would not occur without the additional credit. This section does not apply to contributions toward research under subdivision 2, paragraph (a).

Subd. 6. [ELIGIBLE RESEARCH AND TECHNOLOGIES; DETERMINATION BY COMMISSIONER.] At least annually, and upon consultation by an electric utility, the commissioner of commerce shall, by order, identify research, technologies, and projects that are eligible for expenditures under this section. In identifying eligible technologies and projects, the commissioner shall consider the extent to which the technology or project advances state policy goals, such as: ensuring affordable, reliable energy for Minnesota consumers; use of Minnesota energy

resources; and promoting local economic development and protecting Minnesota's environment. By January 15 of each year, the commissioner shall issue a report to the legislature detailing and evaluating expenditures under this section, as well as the process and criteria used by the commissioner to make decisions under this subdivision."

Page 15, after line 31, insert:

"Sec. 15. Minnesota Statutes 2002, section 216B.2424, is amended by adding a subdivision to read:

Subd. 9. [STATUS REVIEW.] As of June 2003, the public utilities commission must initiate a review of all projects selected to satisfy a portion of the biomass mandate pursuant to this section, to make a preliminary determination of each project's status and viability. By January 1, 2004, the commission shall:

(1) cancel the contract, or deny any pending or future requests for contract extensions, for any project that:

(i) is not yet producing electricity;

(ii) has not yet begun a continuous program of physical on-site construction; or

(iii) has not demonstrated to the commission that the project has firm financial commitments for construction and operation of the project and that the commission determines is not viable; and

(2) direct the public utility subject to the biomass mandate to request competitive proposals under subdivision 6 for the biomass capacity in the amount of the canceled contracts or failed projects."

Page 15, delete lines 32 to 36

Page 16, delete lines 1 to 5

Page 16, delete lines 23 to 36

Page 17, delete lines 1 to 15

Page 20, after line 18, insert:

"(d) The public utility that owns the Prairie Island and Monticello nuclear generation facilities shall update the reports required under section 116C.772, subdivisions 3 to 5, and shall submit those updates periodically to the public utilities commission with the utility's resource plan filing under section 216B.2422 and to the task force."

Page 20, delete lines 32 to 36

Page 21, delete lines 1 to 17

Page 21, delete lines 22 to 36

Page 22, delete lines 1 to 36

Page 23, delete lines 1 to 17

Page 26, line 34, delete the new language

Page 28, line 34, after the period, delete the new language

Page 28, delete lines 35 and 36

Page 29, delete lines 1 and 2

Page 29, line 6, delete "88" and insert "110"

Page 29, line 7, after "request" insert "pending before the public utilities commission as of May 15, 2003"

Page 29, line 8, delete "beyond September 1, 2004."

Page 29, line 9, after "mandate" insert "unless the developer of the project agrees to reduce the size of its project from 50 megawatts to 35 megawatts"

Page 29, delete lines 12 to 19

Page 29, line 20, delete "(b)"

Page 29, line 24, after "primary" insert "metropolitan"

Page 29, line 25, after "filed" insert "with the public utilities commission" and after "2002" insert "by the public utility that owns the Prairie Island nuclear generation facility"

Page 29, line 29, after the period, insert "Upon receiving approval by the commission, the utility shall implement the approved proposal or justify to the commission its decision not to do so."

Page 29, line 30, delete "CREATION OF AN ENERGY ENTERPRISE ZONE" and insert "INNOVATIVE ENERGY PROJECT"

Page 29, delete lines 31 to 36 and insert:

"Subdivision 1. [DEFINITION.] For the purposes of this section, the term "innovative energy project" means a proposed energy generation facility:

(1) that makes use of an innovative generation technology utilizing coal as a primary fuel in a highly efficient combined-cycle configuration with significantly reduced sulfur dioxide, nitrogen oxide, particulate, and mercury emissions from those of traditional technologies;

(2) that the project developer or owner certifies is a project capable of offering a long-term supply contract at a hedged, predictable cost; and

(3) that is designated by the commissioner of the iron range resources and rehabilitation agency as a project that is located in the tax relief area on a site that has substantial real property with adequate infrastructure to support new or expanded development."

Page 30, delete lines 1 to 29

Page 30, line 30, delete "4" and insert "2" and after "(a)" delete the rest of the line and insert "An innovative energy project:"

Page 30, delete line 31

Page 30, line 32, delete "are" and insert "is"

Page 30, line 33, delete "and"

Page 30, delete line 34

Page 30, line 35, delete "facilities," and delete "are" and insert "is"

Page 31, line 2, delete "are" and insert "is"

Page 31, delete lines 6 to 8 and renumber the remaining clauses

Page 31, line 12, delete "of an eligible entity"

Page 31, line 19, after "ratepayers" delete the rest of the line and insert "; and"

Page 31, delete lines 20 to 26

Page 31, line 27, delete "(7)" and insert "(5)"

Page 31, line 33, after "to" insert "competitive solicitations for which bids have been received or proposals" and delete "a proposal"

Page 31, line 34, delete "is" and insert "are"

Page 32, line 4, after "an" delete "organization with" and insert "independent administrator initially selected by the commissioner of commerce and answerable to"

Page 32, line 7, after the period, insert "The commission may authorize the transfer if, upon completion of the review, that the transfer is consistent with the public interest."

Page 32, delete lines 8 to 36

Page 33, delete lines 1 to 36

Page 34, delete lines 1 to 9

Page 34, after line 9, insert:

"Sec. 38. [CONSERVATION IMPROVEMENT PROGRAM; EVALUATION.]

Subdivision 1. [INDIVIDUAL UTILITY SYSTEMS.] (a) Each energy utility subject to the conservation spending requirements of Minnesota Statutes 2002, section 216B.241, shall contract with an independent third party for a review of that utility's conservation improvement program, to determine:

(1) the ability of conservation programs to avoid transmission and distribution costs, and the value of that avoidance;

(2) the potential for conservation for each utility's system, considering each utility's own customer base and other circumstances particular to that utility's system;

(3) whether conservation investments and expenditures are declining in cost-effectiveness for that utility's system; and

(4) if the energy utility is experiencing a diminishing return on conservation investments, what the estimated break-even point is for that utility.

(b) For the purposes of this section:

(1) "energy utility" means a public utility, rural electric cooperative or municipality subject to the requirements of Minnesota Statutes, section 216B.241; and

(2) "independent third party" means an entity not affiliated with the energy utility; that is not involved in creating or providing conservation project services to that utility; that has knowledge of the energy industry and state regulatory conservation process; expertise, or access to expertise, in energy savings practices for residential and commercial customers; expertise, or access to expertise, in energy savings practices for machinery used in Minnesota's major industries.

(c) The energy utility shall provide the results of the review under paragraph (a) to the commissioner of commerce with the utility's next regularly scheduled conservation filing under section 216B.241, or such other time as agreed to between the commissioner and the utility. The cost of the review may be credited against the utility's conservation spending requirement, subject to the limitations in Minnesota Statutes, section 216B.241, subdivision 1b, paragraph (g) and subdivision 2, paragraph (i).

Subd. 2. [CONSERVATION IMPROVEMENT PROGRAM; GENERAL EVALUATION.] (a) The commissioner of commerce shall contract with the legislative auditor or other independent third party for a review, based on the information provided under subdivision 1, of:

(1) the relevant state statutes, to determine if conservation requirements could be eliminated or modified to ensure that conservation dollars are directed toward the most cost-effective conservation investments;

(2) the relevant state rules, to determine if current rules allow or facilitate optimum conservation practices and procedures; and

(3) the department of commerce's conservation regulatory processes, to determine if the regulatory review process currently employed results in optimum conservation investments.

(b) The costs of the review under paragraph (a) may be recovered by the department as a general administrative expense under Minnesota Statutes, section 216C.052, subdivision 2."

Page 34, line 18, delete "Sections 1 to 37" and insert "All sections of this act"

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Powell moved to amend the Westrom amendment to S. F. No. 794, as amended, as follows:

Page 4, line 4, delete "shall" and insert "may"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Adolphson	Dauids	Harder	Kuisle	Powell	Tingelstad
Anderson, B.	DeLaForest	Heidgerken	Lindgren	Rhodes	Urdahl
Anderson, J.	Demmer	Holberg	Lindner	Ruth	Vandever
Beard	Eastlund	Hoppe	Lipman	Samuelson	Walz
Blaine	Erhardt	Howes	Magnus	Seifert	Wardlow
Borrell	Erickson	Jacobson	McNamara	Severson	Westerberg
Boudreau	Finstad	Johnson, J.	Nelson, P.	Simpson	Wilkin
Bradley	Fuller	Kielkucki	Olsen, S.	Smith	Zellers
Brod	Gerlach	Klinzing	Olson, M.	Stang	Spk. Sviggum
Buesgens	Gunther	Knoblach	Osterman	Strachan	
Cornish	Haas	Kohls	Ozment	Swenson	
Cox	Hackbarth	Krinkie	Paulsen	Sykora	

Those who voted in the negative were:

Abeler	Dorman	Huntley	Lesch	Opatz	Soderstrom
Abrams	Dorn	Jaros	Lieder	Otto	Solberg
Anderson, I.	Eken	Johnson, S.	Mahoney	Paymar	Thao
Atkins	Ellison	Juhnke	Mariani	Pelowski	Thissen
Bernardy	Entenza	Kahn	Marquart	Penas	Wagenius
Biernat	Goodwin	Kelliher	Meslow	Peterson	Walker
Carlson	Greiling	Koenen	Mullery	Pugh	Wasiluk
Clark	Hausman	Lanning	Murphy	Rukavina	Westrom
Davnie	Hilstrom	Larson	Nelson, C.	Sertich	
Dempsey	Hilty	Latz	Nelson, M.	Sieben	
Dill	Hornstein	Lenczewski	Nornes	Slawik	

The motion prevailed and the amendment to the amendment was adopted.

The Speaker assumed the Chair.

The question recurred on the Westrom amendment, as amended, and the roll was called. There were 76 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Adolphson	Beard	Boudreau	Buesgens	DeLaForest	Dorman
Anderson, B.	Blaine	Bradley	Cornish	Demmer	Eastlund
Anderson, J.	Borrell	Brod	Davids	Dempsey	Erhardt

Erickson	Hoppe	Lanning	Olson, M.	Severson	Vandevveer
Finstad	Howes	Lindgren	Osterman	Simpson	Walz
Fuller	Jacobson	Lindner	Ozment	Smith	Wardlow
Gerlach	Johnson, J.	Lipman	Paulsen	Soderstrom	Westerberg
Gunther	Kielkucki	Magnus	Penas	Stang	Westrom
Haas	Klinzing	McNamara	Powell	Strachan	Wilkin
Hackbarth	Knoblach	Nelson, C.	Ruth	Swenson	Zellers
Harder	Kohls	Nelson, P.	Samuelson	Sykora	Spk. Sviggum
Heidgerken	Krinkie	Nornes	Seagren	Tingelstad	
Holberg	Kuisle	Olsen, S.	Seifert	Urdahl	

Those who voted in the negative were:

Abeler	Dill	Hornstein	Lenczewski	Opatz	Slawik
Abrams	Dorn	Huntley	Lesch	Otto	Solberg
Anderson, I.	Eken	Jaros	Lieder	Paymar	Thao
Atkins	Ellison	Johnson, S.	Mahoney	Pelowski	Thissen
Bernardy	Entenza	Juhnke	Mariani	Peterson	Wagenius
Biernat	Goodwin	Kahn	Marquart	Pugh	Walker
Carlson	Greiling	Kelliher	Meslow	Rhodes	Wasiluk
Clark	Hausman	Koenen	Mullery	Rukavina	
Cox	Hilstrom	Larson	Murphy	Sertich	
Davnie	Hilty	Latz	Nelson, M.	Sieben	

The motion prevailed and the amendment, as amended, was adopted.

Ozment moved to amend S. F. No. 794, as amended, as follows:

Page 34, after line 9, insert:

"Sec. 36. [LEGISLATIVE APPROVAL OF CONSUMPTIVE USE OF WATER; PROPOSED FACILITY ROSEMOUNT.]

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves the consumptive use under a permit of more than 2,000,000 gallons per day average in a 30-day period in Rosemount, in connection with a gas fueled combined cycle electric generating facility, subject to the commissioner of natural resources making a determination that the water remaining in the basin of origin will be adequate to meet the basin's need for water and approval by the commissioner of natural resources of all applicable permits.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 37. [LEGISLATIVE APPROVAL OF CONSUMPTIVE USE OF WATER; PROPOSED FACILITY MANKATO.]

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves the consumptive use under a permit of more than 2,000,000 gallons per day average in a 30-day period in Mankato, in connection with a gas fueled combined cycle electric generating facility, subject to the commissioner of natural resources making a determination that the water remaining in the basin of origin will be adequate to meet the basin's need for water and approval by the commissioner of natural resources of all applicable permits.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

#### CALL OF THE HOUSE

On the motion of Kuisle and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Davnie	Heidgerken	Latz	Otto	Solberg
Abrams	DeLaForest	Hilstrom	Lenczewski	Ozment	Stang
Adolphson	Demmer	Hilty	Lesch	Paulsen	Strachan
Anderson, B.	Dempsey	Holberg	Lieder	Paymar	Swenson
Anderson, I.	Dill	Hoppe	Lindgren	Pelowski	Thao
Anderson, J.	Dorman	Hornstein	Lindner	Penas	Thissen
Atkins	Dorn	Howes	Magnus	Peterson	Tingelstad
Beard	Eastlund	Huntley	Mahoney	Powell	Urdahl
Bernardy	Eken	Jacobson	Mariani	Pugh	Vandever
Biernat	Ellison	Jaros	Marquart	Rhodes	Wagenius
Blaine	Erhardt	Johnson, J.	McNamara	Rukavina	Walker
Borrell	Erickson	Johnson, S.	Meslow	Ruth	Walz
Boudreau	Finstad	Juhnke	Mullery	Samuelson	Wardlow
Bradley	Fuller	Kahn	Murphy	Seifert	Wasiluk
Brod	Gerlach	Kielkucki	Nelson, C.	Sertich	Westerberg
Buesgens	Goodwin	Knoblach	Nelson, M.	Severson	Westrom
Carlson	Greiling	Koenen	Nelson, P.	Sieben	Wilkin
Clark	Gunther	Kohls	Nornes	Simpson	Zellers
Cornish	Haas	Kuisle	Olsen, S.	Slawik	Spk. Sviggum
Cox	Harder	Lanning	Olson, M.	Smith	
Dauids	Hausman	Larson	Opatz	Soderstrom	

Paulsen moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

S. F. No. 794, A bill for an act relating to energy; amending the definition of a radioactive waste management facility; increasing funding for renewable development; specifying the applicability of the renewable development fund; clarifying disconnection of residential utility; authorizing sufficient dry cask storage capacity to allow the nuclear reactors at the Prairie Island nuclear generation facility to operate until the end of their current licenses; modifying transmission upgrade requirements; providing for environmental review; modifying relicensing provisions; creating a hydrogen production development program; providing for township agreements; modifying duties of the legislative energy task force; appropriating money; amending Minnesota Statutes 2002, sections 116C.71, subdivision 7; 116C.779; 216B.095; 216B.097, by adding a subdivision; 216B.1645, by adding a subdivision; 216B.1691, subdivisions 1, 2, by adding subdivisions; 216B.241, subdivision 1b; 216B.2424, subdivision 5; 216B.243, subdivision 3b; 216C.051, subdivisions 2, 3, 6, 9, by adding a subdivision; 216C.052, subdivisions 2, 3; 216C.41, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116C; 216B; repealing Minnesota Statutes 2002, section 216C.051, subdivisions 1, 4, 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Abrams moved that those not voting be excused from voting. The motion did not prevail.

Abrams moved that those not voting be excused from voting. The motion prevailed.

There were 33 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Knoblach	Olson, M.	Severson	Walz
Anderson, B.	Dill	Krinkie	Osterman	Simpson	Westerberg
Beard	Eastlund	Lipman	Powell	Stang	Westrom
Borrell	Howes	Magnus	Rukavina	Strachan	
Brod	Jacobson	McNamara	Ruth	Urdahl	
Demmer	Johnson, J.	Nornes	Samuelson	Vandev eer	

Those who voted in the negative were:

Abeler	DeLaForest	Hausman	Lanning	Olsen, S.	Soderstrom
Adolphson	Dorman	Heidgerken	Larson	Opatz	Solberg
Anderson, I.	Dorn	Hilstrom	Latz	Otto	Swenson
Anderson, J.	Eken	Hilty	Lenczewski	Ozment	Sykora
Atkins	Ellison	Holberg	Lesch	Paulsen	Thao
Bernardy	Entenza	Hoppe	Lieder	Paymar	Thissen
Biernat	Erhardt	Hornstein	Lindgren	Pelowski	Tingelstad
Blaine	Erickson	Huntley	Lindner	Penas	Wagenius
Boudreau	Finstad	Jaros	Mahoney	Peterson	Walker
Bradley	Fuller	Johnson, S.	Mariani	Pugh	Wardlow
Buesgens	Gerlach	Juhnke	Marquart	Rhodes	Wasiluk
Carlson	Goodwin	Kahn	Meslow	Seagren	Wilkin
Clark	Greiling	Kelliher	Mullery	Seifert	Zellers
Cornish	Gunther	Kielkucki	Murphy	Sertich	Spk. Sviggum
Cox	Haas	Koenen	Nelson, C.	Sieben	
Davids	Hackbarth	Kohls	Nelson, M.	Slawik	
Davnie	Harder	Kuisle	Nelson, P.	Smith	

The bill was not passed, as amended.

#### CALL OF THE HOUSE LIFTED

Blaine moved that the call of the House be suspended. The motion prevailed and it was so ordered.

## ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1119:

Kielkucki, Lipman and Seifert.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 328:

Powell, Wilkin and Thao.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 575:

Holberg, Kohls and Atkins.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 693:

Buesgens, Holberg and Atkins.

**CALENDAR FOR THE DAY, Continued**

H. F. No. 376, A bill for an act relating to health; modifying enrollee cost sharing provisions for health maintenance organizations; amending Minnesota Statutes 2002, section 62D.095, subdivision 2, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Gerlach	Kahn	Magnus	Ozment
Abrams	Cox	Goodwin	Kielkucki	Mahoney	Paulsen
Adolphson	Davids	Greiling	Knoblach	Marquart	Paymar
Anderson, B.	Davnie	Gunther	Koenen	McNamara	Pelowski
Anderson, J.	DeLaForest	Haas	Kohls	Meslow	Penas
Atkins	Demmer	Hackbarth	Krinkie	Murphy	Peterson
Beard	Dempsey	Harder	Kuisle	Nelson, C.	Powell
Bernardy	Dill	Heidgerken	Lanning	Nelson, M.	Pugh
Blaine	Dorman	Hilstrom	Larson	Nelson, P.	Rhodes
Borrell	Eastlund	Hilty	Latz	Nornes	Rukavina
Boudreau	Ellison	Hoppe	Lenczewski	Olsen, S.	Ruth
Bradley	Erhardt	Howes	Lesch	Olson, M.	Samuelson
Brod	Erickson	Huntley	Lindgren	Opatz	Seagren
Buesgens	Finstad	Jacobson	Lindner	Osterman	Seifert
Carlson	Fuller	Juhnke	Lipman	Otto	Sertich

Severson	Soderstrom	Swenson	Tingelstad	Wardlow	Wilkin
Simpson	Solberg	Sykora	Urdahl	Wasiluk	Zellers
Slawik	Stang	Thao	Vandever	Westerberg	
Smith	Strachan	Thissen	Walz	Westrom	

Those who voted in the negative were:

Anderson, I.	Dorn	Hornstein	Kelliher	Mullery	Walker
Biernat	Eken	Jaros	Lieder	Sieben	
Clark	Hausman	Johnson, S.	Mariani	Wagenius	

The bill was passed and its title agreed to.

Hilstrom was excused for the remainder of today's session.

The Speaker called Olson, M., to the Chair.

S. F. No. 388 was reported to the House.

Borrell moved to amend S. F. No. 388 as follows:

Pages 5 and 6, delete section 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Fuller moved to amend S. F. No. 388, as amended, as follows:

Pages 13 and 14, delete section 10

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Fuller moved to amend S. F. No. 388, as amended, as follows:

Page 4, after line 11, insert:

"(3) "Designated offense" does not include a violation of this chapter or an ordinance in conformity with it by a person who has no qualified prior impaired driving incident."

The motion did not prevail and the amendment was not adopted.

S. F. No. 388, A bill for an act relating to vehicle forfeiture; clarifying and modifying certain definitions, standards, and procedures for vehicle forfeitures associated with driving while impaired; amending Minnesota Statutes 2002, sections 169A.60, subdivisions 1, 14; 169A.63, subdivisions 1, 2, 6, 7, 8, 9, 10, 11.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 87 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Johnson, J.	Meslow	Peterson	Sykora
Abrams	Dorman	Kahn	Murphy	Powell	Thissen
Anderson, J.	Eastlund	Klinzing	Nelson, C.	Rhodes	Tingelstad
Atkins	Entenza	Knoblach	Nelson, M.	Ruth	Urdahl
Blaine	Erhardt	Kohls	Nelson, P.	Samuelson	Vandever
Boudreau	Erickson	Lanning	Nornes	Seagren	Wagenius
Bradley	Finstad	Larson	Olsen, S.	Seifert	Walz
Brod	Fuller	Lenczewski	Olson, M.	Severson	Wardlow
Carlson	Gerlach	Lesch	Opatz	Sieben	Westerberg
Cornish	Greiling	Lindgren	Osterman	Simpson	Westrom
Cox	Harder	Lipman	Otto	Slawik	Zellers
Davids	Hilty	Magnus	Ozment	Smith	Spk. Sviggum
Davnie	Hoppe	Mahoney	Paulsen	Soderstrom	
DeLaForest	Huntley	Marquart	Paymar	Stang	
Demmer	Jacobson	McNamara	Pelowski	Strachan	

Those who voted in the negative were:

Adolphson	Buesgens	Heidgerken	Kelliher	Lindner	Solberg
Anderson, B.	Dill	Holberg	Kielkucki	Mariani	Swenson
Anderson, I.	Dorn	Hornstein	Koenen	Mullery	Thao
Beard	Ellison	Howes	Krinkie	Penas	Walker
Bernardy	Gunther	Jaros	Kuisle	Pugh	Wilkin
Biernat	Haas	Johnson, S.	Latz	Rukavina	
Borrell	Hackbarth	Juhnke	Lieder	Sertich	

The bill was passed, as amended, and its title agreed to.

H. F. No. 592, A bill for an act relating to human services; modifying an adult foster care licensing provision; amending Minnesota Statutes 2002, sections 245A.11, subdivision 2b.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Heidgerken	Larson	Osterman	Soderstrom
Abrams	Demmer	Hilty	Latz	Otto	Solberg
Adolphson	Dempsey	Holberg	Lenczewski	Ozment	Stang
Anderson, B.	Dill	Hoppe	Lesch	Paulsen	Strachan
Anderson, I.	Dorman	Hornstein	Lieder	Paymar	Swenson
Anderson, J.	Dorn	Howes	Lindgren	Pelowski	Sykora
Atkins	Eastlund	Huntley	Lindner	Penas	Thao
Beard	Eken	Jacobson	Lipman	Peterson	Thissen
Bernardy	Ellison	Jaros	Magnus	Powell	Tingelstad
Biernat	Entenza	Johnson, J.	Mahoney	Pugh	Urdahl
Blaine	Erhardt	Johnson, S.	Marquart	Rhodes	Vandever
Borrell	Erickson	Juhnke	McNamara	Rukavina	Wagenius
Boudreau	Finstad	Kahn	Meslow	Ruth	Walker
Bradley	Fuller	Kelliher	Mullery	Samuelson	Walz
Brod	Gerlach	Kielkucki	Murphy	Seagren	Wardlow
Buesgens	Goodwin	Klinzing	Nelson, C.	Seifert	Wasiluk
Carlson	Greiling	Knoblach	Nelson, M.	Sertich	Westerberg
Clark	Gunther	Koenen	Nelson, P.	Severson	Westrom
Cornish	Haas	Kohls	Nornes	Sieben	Wilkin
Cox	Hackbarth	Krinkie	Olsen, S.	Simpson	Zellers
Davids	Harder	Kuisle	Olson, M.	Slawik	Spk. Sviggum
Davnie	Hausman	Lanning	Opatz	Smith	

The bill was passed and its title agreed to.

H. F. No. 1064, A bill for an act relating to state employees; making technical and housekeeping changes; amending Minnesota Statutes 2002, sections 43A.08, subdivision 1a; 43A.30, subdivision 5; 43A.319.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Beard	Brod	Davnie	Eastlund	Fuller
Abrams	Bernardy	Buesgens	DeLaForest	Eken	Gerlach
Adolphson	Biernat	Carlson	Demmer	Ellison	Goodwin
Anderson, B.	Blaine	Clark	Dempsey	Entenza	Greiling
Anderson, I.	Borrell	Cornish	Dill	Erhardt	Gunther
Anderson, J.	Boudreau	Cox	Dorman	Erickson	Haas
Atkins	Bradley	Davids	Dorn	Finstad	Hackbarth

Harder	Kelliher	Lindner	Olson, M.	Samuelson	Thao
Hausman	Kielkucki	Lipman	Opatz	Seagren	Thissen
Heidgerken	Klinzing	Magnus	Osterman	Seifert	Tingelstad
Hilty	Knoblach	Mahoney	Otto	Sertich	Urdahl
Holberg	Koenen	Mariani	Ozment	Severson	Vandever
Hoppe	Kohls	Marquart	Paulsen	Sieben	Wagenius
Hornstein	Krinkie	McNamara	Paymar	Simpson	Walker
Howes	Kuisle	Meslow	Pelowski	Slawik	Walz
Huntley	Lanning	Mullery	Penas	Smith	Wardlow
Jacobson	Larson	Murphy	Peterson	Soderstrom	Wasiluk
Jaros	Latz	Nelson, C.	Powell	Solberg	Westerberg
Johnson, J.	Lenczewski	Nelson, M.	Pugh	Stang	Westrom
Johnson, S.	Lesch	Nelson, P.	Rhodes	Strachan	Wilkin
Juhnke	Lieder	Nornes	Rukavina	Swenson	Zellers
Kahn	Lindgren	Olsen, S.	Ruth	Sykora	Spk. Sviggum

The bill was passed and its title agreed to.

#### MOTION FOR RECONSIDERATION

Paulsen moved that the vote whereby S. F. No. 794, as amended, was not passed earlier today, be now reconsidered. The motion prevailed.

S. F. No. 794, as amended, was reported to the House.

#### LAY ON THE TABLE

Paulsen moved that S. F. No. 794, as amended, be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Paulsen motion and the roll was called. There were 85 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hausman	Lindgren	Powell	Urdahl
Abrams	Demmer	Heidgerken	Lindner	Rhodes	Vandever
Adolphson	Dempsey	Holberg	Lipman	Ruth	Wagenius
Anderson, B.	Dorman	Hoppe	Magnus	Samuelson	Walz
Anderson, J.	Dorn	Howes	Mahoney	Seagren	Wardlow
Beard	Eastlund	Jacobson	McNamara	Seifert	Westerberg
Blaine	Erhardt	Johnson, J.	Meslow	Severson	Westrom
Borrell	Erickson	Kielkucki	Nelson, C.	Simpson	Wilkin
Boudreau	Finstad	Klinzing	Nelson, M.	Smith	Zellers
Bradley	Fuller	Knoblach	Nornes	Soderstrom	Spk. Sviggum
Brod	Gerlach	Kohls	Olsen, S.	Stang	
Buesgens	Gunther	Krinkie	Olson, M.	Strachan	
Cornish	Haas	Kuisle	Osterman	Swenson	
Cox	Hackbarth	Lanning	Ozment	Sykora	
Davids	Harder	Larson	Paulsen	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Eken	Johnson, S.	Lieder	Paymar	Slawik
Atkins	Ellison	Juhnke	Mariani	Pelowski	Solberg
Bernardy	Entenza	Kahn	Marquart	Penas	Thao
Biernat	Greiling	Kelliher	Mullery	Peterson	Thissen
Carlson	Hilty	Koenen	Murphy	Pugh	Walker
Clark	Hornstein	Latz	Nelson, P.	Rukavina	Wasiluk
Davnie	Huntley	Lenczewski	Opatz	Sertich	
Dill	Jaros	Lesch	Otto	Sieben	

The motion prevailed and S. F. No. 794, as amended, was laid on the table.

S. F. No. 1260, A bill for an act relating to public utilities; making changes to the telephone assistance plan; amending Minnesota Statutes 2002, sections 237.70, subdivisions 2, 3, 4a, 5, 6, 7; 237.701, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Heidgerken	Larson	Opatz	Soderstrom
Abrams	Demmer	Hilty	Latz	Osterman	Solberg
Adolphson	Dempsey	Holberg	Lenczewski	Otto	Stang
Anderson, B.	Dill	Hoppe	Lesch	Ozment	Strachan
Anderson, I.	Dorman	Hornstein	Lieder	Paulsen	Swenson
Anderson, J.	Dorn	Howes	Lindgren	Paymar	Sykora
Atkins	Eastlund	Huntley	Lindner	Pelowski	Thao
Beard	Eken	Jacobson	Lipman	Peterson	Thissen
Bernardy	Ellison	Jaros	Magnus	Powell	Tingelstad
Biernat	Entenza	Johnson, J.	Mahoney	Pugh	Urdahl
Blaine	Erhardt	Johnson, S.	Mariani	Rhodes	Vandever
Borrell	Erickson	Juhnke	Marquart	Rukavina	Wagenius
Boudreau	Finstad	Kahn	McNamara	Ruth	Walker
Bradley	Fuller	Kelliher	Meslow	Samuelson	Walz
Brod	Gerlach	Kielkucki	Mullery	Seagren	Wardlow
Buesgens	Goodwin	Klinzing	Murphy	Seifert	Wasiluk
Carlson	Greiling	Knoblach	Nelson, C.	Sertich	Westerberg
Clark	Gunther	Koenen	Nelson, M.	Severson	Westrom
Cornish	Haas	Kohls	Nelson, P.	Sieben	Wilkin
Cox	Hackbarth	Krinkie	Nornes	Simpson	Zellers
Davids	Harder	Kuisle	Olsen, S.	Slawik	Spk. Sviggum
Davnie	Hausman	Lanning	Olson, M.	Smith	

Those who voted in the negative were:

Penas

The bill was passed and its title agreed to.

Sieben was excused for the remainder of today's session.

S. F. No. 333 was reported to the House.

Abeler moved to amend S. F. No. 333 as follows:

Page 6, delete line 26

Renumber the clauses in sequence

Page 31, line 2, delete "as a head and neck" and insert ", Head and Neck Surgery."

Page 31, delete line 3

The motion prevailed and the amendment was adopted.

Abeler; Howes; Nelson, C.; Soderstrom; Walker; Clark; Nornes; Tingelstad; Thao; Dorn; Swenson; Huntley; Samuelson; Slawik; Eken; Urdahl; Murphy; Borrell; Walz; Boudreau; Erhardt; Juhnke; Eastlund; Lieder and Anderson, I., moved to amend S. F. No. 333, as amended, as follows:

Page 1, after line 15, insert:

"Section 1. Minnesota Statutes 2002, section 147B.05, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATION; COMPENSATION; REMOVAL; QUORUM.] The advisory council is governed by section 15.059, except that the council does not expire until June 30, ~~2003~~ 2007.

Sec. 2. Minnesota Statutes 2002, section 147C.35, subdivision 2, is amended to read:

Subd. 2. [ORGANIZATION.] The advisory council shall be organized and administered under section 15.059. The council expires June 30, ~~2003~~ 2007.

Sec. 3. Minnesota Statutes 2002, section 147D.25, subdivision 2, is amended to read:

Subd. 2. [ORGANIZATION.] The advisory council shall be organized and administered under section 15.059. The council expires June 30, ~~2003~~ 2007.

Sec. 4. Minnesota Statutes 2002, section 148.212, is amended to read:

148.212 [TEMPORARY PERMIT.]

Subdivision 1. [ISSUANCE.] Upon receipt of the applicable licensure or reregistration fee and permit fee, and in accordance with rules of the board, the board may issue a nonrenewable temporary permit to practice professional or practical nursing to an applicant for licensure or reregistration who is not the subject of a pending investigation or disciplinary action, nor disqualified for any other reason, under the following circumstances:

(a) The applicant for licensure by examination under section 148.211, subdivision 1, has graduated from an approved nursing program within the 60 days preceding board receipt of an affidavit of graduation or transcript and has been authorized by the board to write the licensure examination for the first time in the United States. The permit holder must practice professional or practical nursing under the direct supervision of a registered nurse. The permit is valid from the date of issue until the date the board takes action on the application or for 60 days whichever occurs first.

(b) The applicant for licensure by endorsement under section 148.211, subdivision 2, is currently licensed to practice professional or practical nursing in another state, territory, or Canadian province. The permit is valid from submission of a proper request until the date of board action on the application.

(c) The applicant for licensure by endorsement under section 148.211, subdivision 2, or for reregistration under section 148.231, subdivision 5, is currently registered in a formal, structured refresher course or its equivalent for nurses that includes clinical practice.

(d) The applicant for licensure by examination under section 148.211, subdivision 1, has been issued a Commission on Graduates of Foreign Nursing Schools certificate, has completed all requirements for licensure except the examination, and has been authorized by the board to write the licensure examination for the first time in the United States. The permit holder must practice professional nursing under the direct supervision of a registered nurse. The permit is valid from the date of issue until the date the board takes action on the application or for 60 days, whichever occurs first.

Subd. 2. [REVOCAATION.] The board may revoke a temporary permit that has been issued to an applicant for licensure under section 148.211, subdivisions 1 and 2, if the applicant is the subject of an investigation or disciplinary action, or is disqualified for any other reason.

Subd. 3. [RELEASE OF INFORMATION.] Notwithstanding section 13.41, subdivision 2, the board may release information regarding action taken by the board pursuant to subdivisions 1 and 2.

Sec. 5. Minnesota Statutes 2002, section 148.235, is amended by adding a subdivision to read:

Subd. 10. [ADMINISTRATION OF MEDICATIONS BY UNLICENSED PERSONNEL IN NURSING FACILITIES.] Notwithstanding the provisions of Minnesota Rules, part 4658.1360, subpart 2, a graduate of a foreign nursing school who has successfully completed an approved competency evaluation under the provisions of section 144A.61 is eligible to administer medications in a nursing facility upon completion of a medication training program for unlicensed personnel offered through a postsecondary educational institution, which meets the requirements specified in Minnesota Rules, part 4658.1360, subpart 2, item B.

Sec. 6. Minnesota Statutes 2002, section 148.281, subdivision 1, is amended to read:

Subdivision 1. [VIOLATIONS DESCRIBED.] It shall be unlawful for any person, corporation, firm, or association, to:

(1) sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein;

(2) practice professional or practical nursing, practice as a public health nurse, or practice as a certified clinical nurse specialist, certified nurse-midwife, certified nurse practitioner, or certified registered nurse anesthetist under cover of any diploma, permit, license, registration certificate, advanced practice credential, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) practice professional or practical nursing unless the person has been issued a temporary permit under the provisions of section 148.212 or is duly licensed and currently registered to do so under the provisions of sections 148.171 to 148.285;

(4) use the professional title nurse unless duly licensed to practice professional or practical nursing under the provisions of sections 148.171 to 148.285, except as authorized by the board by rule;

(5) use any abbreviation or other designation tending to imply licensure as a registered nurse or licensed practical nurse unless duly licensed and currently registered so to practice professional or practical nursing under the provisions of sections 148.171 to 148.285 except as authorized by the board by rule;

~~(5)~~ (6) use any title, abbreviation, or other designation tending to imply certification as a certified registered nurse as defined in section 148.171, subdivision 22, unless duly certified by a national nurse certification organization;

~~(6)~~ (7) use any abbreviation or other designation tending to imply registration as a public health nurse unless duly registered by the board;

~~(7)~~ (8) practice professional, advanced practice registered, or practical nursing in a manner prohibited by the board in any limitation of a license or registration issued under the provisions of sections 148.171 to 148.285;

~~(8)~~ (9) practice professional, advanced practice registered, or practical nursing during the time a license or current registration issued under the provisions of sections 148.171 to 148.285 shall be suspended or revoked;

~~(9)~~ (10) conduct a nursing program for the education of persons to become registered nurses or licensed practical nurses unless the program has been approved by the board;

~~(10)~~ (11) knowingly employ persons in the practice of professional or practical nursing who have not been issued a current permit, license, or registration certificate to practice as a nurse in this state; and

~~(11)~~ (12) knowingly employ a person in advanced practice registered nursing unless the person meets the standards and practices of sections 148.171 to 148.285."

Page 29, line 8, delete "\$7,500" and insert "\$10,000"

Page 34, after line 3, insert:

"Sec. 51. Minnesota Statutes 2002, section 214.32, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT.] (a) A health professionals services program committee is established, consisting of one person appointed by each participating board, with each participating board having one vote. The committee shall designate one board to provide administrative management of the program, set the program budget and the pro rata share of program expenses to be borne by each participating board, provide guidance on the general operation of the program, including hiring of program personnel, and ensure that the program's direction is in accord with its authority. If the participating boards change which board is designated to provide administrative management of the program, any appropriation remaining for the program shall transfer to the newly designated board on the effective date of the change. The participating boards must inform the appropriate legislative committees and the commissioner of finance of any change in the administrative management of the program, and the amount of any appropriation transferred under this provision.

(b) The designated board, upon recommendation of the health professional services program committee, shall hire the program manager and employees and pay expenses of the program from funds appropriated for that purpose. The designated board may apply for grants to pay program expenses and may enter into contracts on behalf of the program to carry out the purposes of the program. The participating boards shall enter into written agreements with the designated board.

(c) An advisory committee is established to advise the program committee consisting of:

(1) one member appointed by each of the following: the Minnesota Academy of Physician Assistants, the Minnesota Dental Association, the Minnesota Chiropractic Association, the Minnesota Licensed Practical Nurse Association, the Minnesota Medical Association, the Minnesota Nurses Association, and the Minnesota Podiatric Medicine Association;

(2) one member appointed by each of the professional associations of the other professions regulated by a participating board not specified in clause (1); and

(3) two public members, as defined by section 214.02.

Members of the advisory committee shall be appointed for two years and members may be reappointed.

The advisory committee expires June 30, ~~2003~~ 2007."

Page 34, after line 8, insert:

"Sec. 54. [EFFECTIVE DATE.]

Sections 1 to 3 and 51 are effective July 1, 2003."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

S. F. No. 333, A bill for an act relating to health; modifying provisions relating to the practice of speech-language pathology or audiology; amending Minnesota Statutes 2002, sections 148.511; 148.512, subdivisions 2, 4, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 20; 148.513; 148.514; 148.515, subdivisions 2, 4; 148.516; 148.5161; 148.517; 148.518; 148.519; 148.5191; 148.5193, subdivisions 1, 4, 6, 6a, 7, 8; 148.5194, subdivisions 1, 2, 3, 3a; 148.5195, subdivisions 2, 3, 4, 5, 6; 148.5196; 153A.14, subdivisions 2a, 2i; 153A.17; 153A.20, subdivision 1; repealing Minnesota Statutes 2002, sections 148.512, subdivision 11; 148.515, subdivisions 3, 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Heidgerken	Latz	Opatz	Smith
Abrams	Dill	Hilty	Lenczewski	Osterman	Soderstrom
Anderson, I.	Dorman	Hoppe	Lesch	Otto	Solberg
Anderson, J.	Dorn	Hornstein	Lieder	Ozment	Stang
Atkins	Eastlund	Howes	Lindgren	Paulsen	Strachan
Beard	Eken	Huntley	Lindner	Paymar	Swenson
Bernardy	Ellison	Jacobson	Lipman	Pelowski	Sykora
Biernat	Entenza	Jaros	Magnus	Peterson	Thao
Blaine	Erhardt	Johnson, J.	Mahoney	Powell	Thissen
Boudreau	Erickson	Johnson, S.	Mariani	Pugh	Tingelstad
Bradley	Finstad	Juhnke	Marquart	Rhodes	Urdahl
Brod	Fuller	Kahn	McNamara	Rukavina	Wagenius
Carlson	Gerlach	Kelliher	Meslow	Ruth	Walker
Clark	Goodwin	Klinzing	Mullery	Samuelson	Walz
Cornish	Greiling	Knoblach	Murphy	Seagren	Wasiluk
Cox	Gunther	Koenen	Nelson, C.	Seifert	Westerberg
Davids	Haas	Kohls	Nelson, M.	Sertich	Westrom
Davnie	Hackbarth	Kuisle	Nelson, P.	Severson	Zellers
DeLaForest	Harder	Lanning	Nornes	Simpson	Spk. Sviggum
Demmer	Hausman	Larson	Olsen, S.	Slawik	

Those who voted in the negative were:

Adolphson	Borrell	Holberg	Krinkie	Penas	Wardlow
Anderson, B.	Buesgens	Kielkucki	Olson, M.	Vandev eer	Wilkin

The bill was passed, as amended, and its title agreed to.

S. F. No. 231, A bill for an act relating to local government; establishing a retroactive effective date for St. Paul civil service separation.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Cornish	Dorn	Gerlach	Hilty
Abrams	Blaine	Cox	Eastlund	Goodwin	Holberg
Adolphson	Borrell	Davids	Eken	Greiling	Hoppe
Anderson, B.	Boudreau	Davnie	Ellison	Gunther	Hornstein
Anderson, I.	Bradley	DeLaForest	Entenza	Haas	Howes
Anderson, J.	Brod	Demmer	Erhardt	Hackbarth	Huntley
Atkins	Buesgens	Dempsey	Erickson	Harder	Jacobson
Beard	Carlson	Dill	Finstad	Hausman	Jaros
Bernardy	Clark	Dorman	Fuller	Heidgerken	Johnson, J.

Johnson, S.	Latz	Mullery	Paymar	Severson	Urdahl
Juhnke	Lenczewski	Murphy	Pelowski	Simpson	Vandever
Kahn	Lesch	Nelson, C.	Penas	Slawik	Wagenius
Kelliher	Lieder	Nelson, M.	Peterson	Smith	Walker
Kielkucki	Lindgren	Nelson, P.	Powell	Soderstrom	Walz
Klinzing	Lindner	Nornes	Pugh	Solberg	Wardlow
Knoblach	Lipman	Olsen, S.	Rhodes	Stang	Wasiluk
Koenen	Magnus	Olson, M.	Rukavina	Strachan	Westerberg
Kohls	Mahoney	Opatz	Ruth	Swenson	Westrom
Krinkie	Mariani	Osterman	Samuelson	Sykora	Wilkin
Kuisle	Marquart	Otto	Seagren	Thao	Zellers
Lanning	McNamara	Ozment	Seifert	Thissen	Spk. Sviggum
Larson	Meslow	Paulsen	Sertich	Tingelstad	

The bill was passed and its title agreed to.

Juhnke was excused for the remainder of today's session.

S. F. No. 28, A bill for an act relating to commerce; modifying and enacting the amendments to Articles 3 and 4 of the Uniform Commercial Code recommended by the National Conference of Commissioners on Uniform State Laws; amending Minnesota Statutes 2002, sections 336.3-103; 336.3-106; 336.3-116; 336.3-119; 336.3-305; 336.3-309; 336.3-312; 336.3-416; 336.3-417; 336.3-419; 336.3-602; 336.3-604; 336.3-605; 336.4-104; 336.4-207; 336.4-208; 336.4-212; 336.4-301; 336.4-403.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Greiling	Kielkucki	Marquart	Peterson
Abrams	Davids	Gunther	Klinzing	McNamara	Powell
Adolphson	Davnie	Haas	Knoblach	Meslow	Pugh
Anderson, B.	DeLaForest	Hackbarth	Koenen	Mullery	Rhodes
Anderson, I.	Demmer	Harder	Kohls	Murphy	Rukavina
Anderson, J.	Dempsey	Hausman	Krinkie	Nelson, C.	Ruth
Atkins	Dill	Heidgerken	Kuisle	Nelson, M.	Samuelson
Beard	Dorman	Hilty	Lanning	Nelson, P.	Seagren
Bernardy	Dorn	Holberg	Larson	Nornes	Seifert
Biernat	Eastlund	Hoppe	Latz	Olsen, S.	Sertich
Blaine	Eken	Hornstein	Lenczewski	Olson, M.	Severson
Borrell	Ellison	Howes	Lesch	Opatz	Simpson
Boudreau	Entenza	Huntley	Lieder	Osterman	Slawik
Bradley	Erhardt	Jacobson	Lindgren	Otto	Smith
Brod	Erickson	Jaros	Lindner	Ozment	Soderstrom
Buesgens	Finstad	Johnson, J.	Lipman	Paulsen	Solberg
Carlson	Fuller	Johnson, S.	Magnus	Paymar	Stang
Clark	Gerlach	Kahn	Mahoney	Pelowski	Strachan
Cornish	Goodwin	Kelliher	Mariani	Penas	Swenson

Sykora	Tingelstad	Wagenius	Wardlow	Westrom	Spk. Sviggum
Thao	Urdahl	Walker	Wasiluk	Wilkin	
Thissen	Vandev eer	Walz	Westerberg	Zellers	

The bill was passed and its title agreed to.

Paulsen moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Thursday, May 15, 2003:

H. F. Nos. 170 and 1535; S. F. Nos. 964, 1080, 30, 296, 421, 230 and 308; and H. F. No. 1493.

#### ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 9:30 a.m., Friday, May 16, 2003. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 9:30 a.m., Friday, May 16, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

